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REPUBLIC OF KENYA

	
THE NATIONAL ASSEMBLY PAPERS LA...	
DATE: 15 OCT 2020	
Tabled BY:	<i>Chairperson Lands Committee</i>
Clerk at the Table:	<i>Moses Lemmo</i>
THE NATIONAL ASSEMBLY	

PARLIAMENT OF KENYA LIBRARY

TWELFTH PARLIAMENT

FOURTH SESSION – 2020

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE CONSIDERATION OF A PETITION BY RESIDENTS OF VOTA, MUA WARD IN MACHAKOS TOWN CONSTITUENCY REGARDING THE OBSTRUCTION OF THE TARMACKING OF KONZA – KATUMANI ROAD

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

OCTOBER, 2020

THE UNIVERSITY OF
MICHIGAN LIBRARY
ANN ARBOR, MICHIGAN

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CHAIRPERSON'S FOREWORD

The Petition by residents of Vota, Mua Ward in Machakos Town Constituency regarding the obstruction of the tarmacking of Konza – Katumani Road was conveyed to the House by the Hon. Speaker on behalf of the petitioners on Thursday 2nd July 2020.

In considering the Petition, the Committee held a meeting with the petitioners on Thursday, 18th August 2020. The Committee also met the Director General, Kenya Urban Roads Authority and the Chairperson, National Land Commission on Thursday 3rd September 2020. Written submissions from the Secretary, Ministry of Lands and Physical Planning were also considered.

The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. We thank the Petitioners, the Director General, Kenya Urban Roads Authority, the Chairperson, National Land Commission, the Cabinet Secretary, Ministry of Lands and Physical Planning for the submissions they made to the Committee.

On behalf of the Committee, and pursuant to Standing Order 227, it is my pleasant duty to table the Report of the Departmental Committee on Lands on its consideration of the Petition by residents of Vota, Mua Ward in Machakos Town Constituency regarding the obstruction of the tarmacking of Konza – Katumani Road.



Hon. Dr. Rachael Kaki Nyamai, CBS, MP
Chairperson, Departmental Committee on Lands

EXECUTIVE SUMMARY

The purpose of this report is to respond to prayers made by petitioners in a Petition by residents of Vota, Mua Ward in Machakos Town Constituency regarding the obstruction of the tarmacking of Konza – Katumani Road.

The Konza- Katumani murrum road that has been in existence for the last 50 years was in November, 2018 taken over by the Kenya Urban Roads Authority and a contractor was engaged to improve it to bitumen standard. However, before the anticipated construction began, one Harrison Kikavi Muambi, a director of a company known as Muambi Properties Limited confronted the contractor and has since obstructed the contractor from further works as he claims ownership of the affected land which stretches approximately 400 Meters.

This petition was therefore, premised on the grounds that the road has been in existence for the last 50 years under the management and maintenance of various government agencies. The petitioners prayed for acquisition of the affected portion of land by the National Land Commission to create a public right over the parcel of land known as LR. No. 7374/3.

The petitioners prayed that The Petitioners prayed that the National Assembly through the Departmental Committee on Lands invokes the provisions of Article 37, 95 (1) 119(1) of the Constitution of Kenya and section 143 of the Land Act, 2012, to:

- i) Declare a portion of land LR, No. 355/2 ordinarily utilized as a road connecting Katumani and Mombasa Road through Vota be declared public land for public purpose and for public interest in accordance to Articles 40 (3)(a) and 60 (1) (h), section 141 & 143 of the Land Act 2012;
- ii) Recommend that there is an easement on the land known as LR, No. 335/2 petitioned by members on the public and that the National Land Commission creates an easement on the land over LR No. 355/2 for purposes of public utility; and
- iii) Make any other recommendations as it deems fit in the circumstances of the petition.

The Committee received submissions and presentations by various stakeholders and noted the following:

- a) Although the Petitioners indicated in the petition that the contested 400 meters portion of the Konza – Katumani Road traversed on land LR, No. 355/2, the Director General, Kenya Urban Roads Authority and the Chairperson National Land Commission clarified that the said portion was on land parcel LR No. 7374/3 owned by Muambi Proprieties Limited.

- b) The land parcel LR No. 7374/3 owned by Muambi Proprieties Limited and for purposes of Article 40 of the Constitution an acquisition of any interest in the land would require prompt payment in full of just compensation to the lawful owner.
- c) The land in question LR. No. 7374/3 owned by Muambi properties had not been subdivided and consequently no portion had been surrendered by the owner for public utility.
- d) Although the 400 meters road passing through the ranch LR. No. 7374/3 and joining Mombasa Road at Konza is not a public road, it has been in continuous use for over fifty (50) years by residents and other persons crossing from Mombasa Road to Machakos Town through Katumani.
- e) The members of the public use the said 400 meters road, which is a shorter and convenient route to access Mombasa Road.
- f) A compulsory land acquisition process had been initiated by the Kenya Urban Roads Authority to acquire the affected portion of land measuring approximately 0.7972Ha located off Mombasa road.
- g) The notice of intention to acquire was published via gazette notice No. 3215 dated March 29, 2018 and Gazette Notice of inquiry No. 5264 dated 17th May, 2018 were issued accordingly.
- h) The submissions made to the Committee by the Director General, Kenya Urban Roads Authority (KURA) indicated that the compulsory acquisition award of Ksh. 52, 632, 588, made by the National Land Commission (NLC) in respect to subject piece of land measuring approximately 0.7972 Ha, owned by Muambi Properties Ltd, to facilitate the tarmacking of the Konza /Kutumani Road appeared to be expensive and exaggerated in comparison to the prevailing market price for comparable land in the area.
- i) KURA did not pay the said award and decided to identify an alternative alignment, measuring approximately 1.55km. The National Land Commission was notified of the decision and requested to cancel the acquisition process and issue a degazettement notice thereof.
- j) Sections 143(1), 145, and 146 of the Land Act, 2012 allow the National Land Commission to facilitate the creation of a communal right of way which shall be known as a public right of way.
- k) There exists a basis for the National Land Commission to create a public right of way over the 400 meters portion of the Konza – Katumani Road traversing on private land LR No. 7374/3, considering-
 - i) the said road has been used by the residents of Vota and other members of the public for more than fifty (50) years and maintained by the government; and
 - ii) The 400 meters road is the shortest and most convenient route joining the Mombasa road for use by the residents of Vota and other members of the public.

- l) The NLC did aver that it would upon request initiate the said creation of a public right of way of the 400 meters portion of land affected by the Konza – Katumani Road in accordance with the Lands Act, 2012.
- m) In view of the foregoing, the National Land Commission may consider creating a public right of way pursuant to section 143 of the Land Act, 2012 to facilitate the convenient passage of the residents of Vota through the 400 meters private road which they have been using for over fifty years.

In response to the Petitioners' prayers, the Committee recommends that the National Land Commission does consider facilitating the creation of a public right of way pursuant to section 143 of the Land Act, 2012 to ensure the convenient passage of the residents of Vota through the 400 meters road which they have been using for over fifty years within six months of the tabling of this Report.

The Committee also recommends that the Cabinet Secretary Ministry of Lands and Physical Planning does fast track the development of the land Value Index as contained in the Land Value (Amendment) Act 2019 to address the challenge of over-valuation of land identified for the development of public projects within three months of the tabling of this Report.

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Lands is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference: -
 - i. Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - ii. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - iii. Study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
 - iv. Study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - v. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and
 - vi. Study and review all legislation referred to it.

1.2 Committee subjects

2. The Committee is mandated to consider the following subjects;
 - i. Lands
 - ii. Settlement

1.3 Committee oversight

3. The Committee oversights:
 - i. The Ministry of Lands and Physical Planning; and
 - ii. The National Land Commission.

1.4 Committee membership

4. The Committee membership comprises: -

Chairperson

Hon. Dr. Rachael Nyamai, CBS, MP

MP for Kitui South Constituency

Jubilee Party

Vice Chairperson

Hon. Khatib Mwashetani, MP

MP for Lunga Lunga Constituency

Jubilee Party

Hon. Benjamin Washiali, CBS, MP

Member for Mumias East Constituency

Jubilee Party

Hon Joshua Kutuny Serem, MP

Member for Cherangany Constituency

Jubilee Party

Hon. Mishi Mboko, MP

Member for Likoni Constituency

Orange Democratic Movement (ODM)

Hon. Omar Mwinyi, MP

Member for Changamwe Constituency

Orange Democratic Movement (ODM)

Hon. Ahmed Kolosh, MP

Member for Wajir West Constituency

Jubilee Party

Hon. Ali Mbogo, MP

Member for Kisauni Constituency

Wiper Democratic Movement (WDM)

Hon. Babu Owino, MP

Member for Embakasi East Constituency

Orange Democratic Movement (ODM)

Hon. Caleb Kipkemei Kositany, MP
Member for Soy Constituency

Jubilee Party

Hon George Aladwa, MP
Member for Makadara Constituency

Orange Democratic Movement (ODM)

Hon George Risa Sunkuyia, MP
Member for Kajiado West Constituency

Jubilee Party

Hon. John Muchiri Nyaga, MP
Member for Manyatta Constituency

Jubilee Party

Hon. Josphat Gichunge Kabeabea, MP
Member for Tigania East Constituency

Party of National Unity (PNU)

Hon. Lilian Tomitom, MP
Member for West Pokot County

Jubilee Party

Hon. Owen Yaa Baya, MP
Member for Kilifi North Constituency

Orange Democratic Movement (ODM)

Hon. Patrick Munene Ntwiga, MP
Member for Chuka/Igambangombe
Constituency

Jubilee Party

Hon. Samuel Kinuthia Gachobe, MP
Member for Subukia Constituency

Jubilee Party

Hon. Teddy Mwambire, MP
Member for Ganze Constituency

Orange Democratic Movement (ODM)

1.5 Committee secretariat

5. The Committee secretariat comprises:

Lead Clerk

Mr. Leonard Machira
Senior Clerk Assistant

Mr. Ahmad Guliye
Clerk Assistant III

Mr. Adan Abdi
Fiscal Analyst III

Dr. Kefa Omoti
Principal Researcher Officer

Ms. Winnie Kizia
Media Relations Officer III

Ms. Jemimah Waigwa
Legal Counsel I

Mr. Dennis Mawira
Audio Officer

Ms. Peris Kaburi
Serjeant-At-Arms

2.0 INTRODUCTION

6. The Petition by residents of Vota, Mua Ward in Machakos Town Constituency regarding the obstruction of the tarmacking of Konza – Katumani Road was conveyed to the House by the Hon. Speaker on behalf of petitioners on Thursday 2nd July 2020.
7. The Petitioners wished to draw the attention of the House to the following, that:
 - i) The road between Konza - Katumani Road has been used for over fifty (50) years by residents and other persons crossing from Mombasa Road to Machakos Town through Katumani;
 - ii) The road has been maintained and funded by Kenya Rural Roads Authority and /or the relevant department of the National Government for decades, with public transport vehicles, pedestrians and private motor vehicles frequently using the same road;
 - iii) The Kenya Roads Board has listed the said road as one that is approved for classification and allocation of a reference number;
 - iv) In November, 2018 the road was taken over by the Kenya Urban Roads Authority and a contractor was engaged to improve it from marram to tarmac;
 - v) No sooner had the contractor gone to the site, than one Harrison Kikavi Muambi, a director of a company known as Muambi Properties Limited confronted the contractor and had since obstructed the contractor from further works as he claims ownership of the land;
 - vi) It has been since been established from a survey map that the road comprised a portion of parcel of land known as LR, No. 355/2 in the name of Muambi Proprieties Limited;
 - vii) The land aforesaid was created whilst the road existed in the original title, LR. No. 1161;
 - viii) The land allegedly owned by Mr. Harrison Kikavi Muambi is approximately 400 meters;
 - ix) The necessity of the use of the access road to Mombasa Road from Katumani along Wote Road has been continuous and indefinite;

- x) The Kenya Urban Roads Authority has been unable to tarmac the said road which serves hundreds of families and has been helpful to people accessing Mombasa Road from Katumani and Vota in Machakos Town Constituency;
 - xi) The Kenya Urban Roads Authority wishes to tarmac the road to ease means of transportation;
8. None of the issues raised in the petition are pending in any court of law, Constitutional body or legal body.
9. The petition is premised on the following grounds:
- a. The registered owner of the land in question has obstructed the Kenya Urban Authority from tarmacking the road.
 - b. The road having been used by members of the public and maintained by the government for more than thirty (30) years, there is a basis for the National Land Commission to create a public right over the parcel of land known as LR. No. 353/ 2 situated in Mua within Machakos Town Constituency.
 - c. The right of way having been enjoyed by the public for decades and maintained by the Government without interruption or objection from the registered owner, there is justification for the portion of the land utilized as a road to be declared a public road devoid of any provision for compensation to the registered owner.
 - d. There is no convenient alternative road and unless the National Assembly intervenes the residents of Vota and other members of the public are likely to be highly prejudiced and inconvenienced as the road project is likely to be withdrawn and the funds utilized elsewhere.
10. The Petitioners prayed that the National Assembly through the Departmental Committee on Lands invokes the provisions of Article 37, 95 (1) 119(1) of the Constitution of Kenya and section 143 of the Land Act, 2012, to:
- iv) Declare a portion of land LR, No. 355/2 ordinarily utilized as a road connecting Katumani and Mombasa Road through Vota be declared public land for public purpose and for public interest in accordance to Articles 40 (3)(a) and 60 (1) (h), section 141 & 143 of the Land Act 2012;

- v) Recommend that there is an easement on the land known as LR, No. 335/2 petitioned by members on the public and that the National Land Commission creates an easement on the land over LR No. 355/2 for purposes of public utility; and
- vi) Make any other recommendations as it deems fit in the circumstances of the petition.

3.0 SUBMISSIONS

3.1 Submissions by the petitioners

11. The Committee held a virtual meeting with the representatives of the petitioners led by their advocate, Mr. Wilfred Nyamu on Thursday 18th August 2020. During the meeting, the petitioners informed the Committee as follows:
12. The road in question linking Wote Road to Mombasa Road through Katumani and has been used by the public for over fifty (50) years.
13. There is no other convenient road that would link Katumani road to Mombasa road as the alternative route was 1.5 km long, while the section of the road passing through Mr. Harrison Muambi's land was only 400 meters to Mombasa road.
14. The road in question was previously maintained by government agencies, such as the Kenya Rural Roads Authority. However, in November 2018, the road was taken by Kenya Urban Roads Authority (KURA) and a contractor was engaged to upgrade it from marram to bitumen standard. However, the contractor was obstructed by one Mr. Harrison Muambi on the basis that he owns the land in question, LR No. 355/2 and that the land is registered in the name of Muambi Properties Limited.
15. The road initially existed under LR No. 1161 before LR No. 355/2, owned by Mr. Harrison Muambi was registered.
16. To date the Kenya Urban Roads Authority had been unable to tarmac the road preventing hundreds of members of the public from easily accessing Mombasa Road from Katumani, Vota and Katoloni areas of Machakos Town Constituency.
17. The Petitioners requested that the petition be amended in paragraph (i) of the prayers to read Article 62 1 (h) instead of article 60 1 (h).
18. The Petitioners prayed that the National Assembly through the Departmental Committee on Lands:
 - i. Declare portion of land of the road connecting Katumani and Mombasa Road through Vota as a public land for public utility purposes.
 - ii. The National Land Commission creates an easement on the land over LR No. 355/2 for purposes of public utility.
 - iii. Make any other recommendations as it deems fit in the circumstances of the petition.

3.2 Submissions by Mr. Harrison Kikuvi Muambi (an Interested Party)

19. During a meeting with the Committee held on Thursday 18th August, 2020, Mr. Harrison Kikuvi Muambi, an interested party in the Petition, assisted by Mr. S. Kivuva, an advocate, informed the Committee as follows:
20. Mr. Harrison Kikuvi Muambi, owns the parcel of land LR. No 7374/3 located in Vota between Konza and Kutamani in Machackos Town Constituency. The land in question is a private ranch registered in the name of Muambi & Muambi Associates.
21. The petitioners referenced the said land as LR No. 355/2 instead of LR. No 7374/3 which indicated that the petitioners had not undertaken due diligence in drafting the Petition.
22. There is no public road within the ranch owned by Muambi & Muambi Associates. However, a 400 meters private road passes through the ranch and joins Mombasa Road at Konza. Members of the public use the private road, which is shorter route, with the permission of the owner, to access Mombasa Road. However, a public road that is 1.5 km long, runs parallel to the private ranch also connects Kutumani to Mombasa Road.
23. He acquired the land in question thirty-three (32) years ago before the petitioners settled in the area in 1995. He added that the land, comprising 8000 acres in total, was acquired whole from the initial owner and had not been subdivided. Therefore, no land within the said parcel had been surrendered for public utility.
24. The National Land Commission through a Gazette notice No. 5264 dated 31st May 2018 made a request to compulsorily acquire 0.7972 Ha of the land to facilitate the tarmacking of the 400-meter private road passing through Mr. Harrison Muambi's land in order to make it a public road.
25. The National Land Commission initiated the acquisition process by conducting public participation and made an offer to the owner. He rejected the initial offer and presented a counter offer of Ksh.78 million shillings. The Commission gave a further offer of Ksh. 52 million which was accepted on 14th August, 2018.
26. Mr. Harrison Kikuvi Muambi was not opposed to the acquisition of the land in question and had been waiting for the agreed compensation to be made on the terms offered by the National Land Commission.

3.3 Submissions by the Director General, Kenya Urban Roads Authority

27. The Committee held a virtual meeting with the Director General, Kenya Urban Roads Authority on Thursday 3rd September, 2020. During the meeting the Director General informed the Committee that:
28. **Background;** The Katumani- Vota -Konza road is approximately 9 Km and is located in Mua ward, Machakos Town Constituency in Machakos County. The road serves as a link road between Mombasa road and Wote road.
29. **Classification:** The road was previously under the jurisdiction of Kenya Rural Roads Authority (KeRRA). However, the road was vested to Kenya Urban Roads Authority (KURA) in the FY 2015/2016 upon reclassification of roads to align the roads to the requirements of the new constitution of Kenya, 2010.
30. **Maintenance History:** KeRRA had maintained the road since 2010 through grading, gravelling and minor drainage works under Road Maintenance Levy Funds (RMLF) provided by Kenya Roads Board (KRB). Upon taking over the road, KURA continued the same maintenance activities until FY 2017/2018, when funds were allocated through the authority's Annual Road Work Programme (ARWP) for stage construction of the road to bitumen standards.
31. **Planned Funding:** The construction of the road was to be achieved in phases over four (4) financial years commencing in FY 2017-2018. The planned and approved funding is as tabulated below:

S/No.	Financial Years	Amount Allocated (Ksh.)	Planned Length (Km)
1	2017/2018	90,000,142.80	3
2	2018/2019	52,362,817.60	2
3	2019/2020	60,316,805.36	2
4	2020/2021	45,355,628.80	2
	Total	248,035,394.56	9

32. **Implementation Status:** Contracts have been awarded spanning the FY 2017/2018 to 2019/2020 covering a length of approximately 6.5 Km.

33. **Implementation Constraints:** During implementation of the first phase of the project the owner of land Parcel No.7374/3 claimed that the road illegally traverses through his land, where there is no provision for a road reserve. Upon receiving the complaint, KURA sought to establish the authenticity of the claim in order to chart a way forward.

34. The Authority took the following measures to the address the complaint made by owner of land parcel LR. No. 7374/3 upon establishing that the project road transverses private land:

- i. A compulsory land acquisition process was initiated to acquire the affected portion of land measuring approximately 0.7972Ha between chainage 0+000 and 0+400 off Mombasa road.
- ii. Notice of intention to acquire was published via gazette notice No. 3215 dated March 29, 2018 and Gazette Notice of inquiry No. 5264 dated 17th May, 2018 were issued accordingly.
- iii. Valuation was also done and an award of Kshs.52, 632,588 was forwarded to Authority for payment.
- iv. The figure was extremely high and not available within the budget and a decision was made to identify an alternative alignment, measuring approximately 1.55km.
- v. National Land Commission was notified and requested to cancel the acquisition process that was initiated and issue a degazettement notice.
- vi. Due to the time constraints on the awarded contracts, a decision was made to skip the 400m section under contention and continue with the works as time was taken to resolve the missing link back to Mombasa road. To date, little progress had been made in resolving the challenge.

3.4 Submissions by the Chairperson, National Land Commission

35. The Committee held a virtual meeting with the Chairperson National Land Commission on Thursday 3rd September, 2020. During the meeting the informed the Committee that:

36. The Commission was requested by the Kenya Urban Roads Authority (KURA) to compulsorily acquire a portion of land parcel LR, 7374/3 to facilitate the tarmacking of the Konza – Katumani Road and not LR No. 355/2 as indicated in the petition.

37. The Commission initiated the process of compulsory acquisition of the affected portion of land measuring approximately 0.7972 Ha was initiated in 2018. Having established that about 400 meters of the planned road project traversed private land LR. No 7374/3.
38. A notice of intention to acquire the land in question was published via gazette notice No, 3215 dated 29th March, 2018 and Gazette notice of inquiry No. 5264 dated 17th May, 2018 was also issued.
39. The valuation of the said portion of land was undertaken by the commission and signed by the Director of valuation and Taxation. Subsequently an award of Ksh. 52, 632, 588, in favour of Muambi Properties Ltd, was forwarded to KURA for funding.
40. However, KURA was of the view that the award was beyond the project budget and declined to pay the landowner. Thereafter, the Authority decided to identify an alternative alignment to link the road to Mombasa Road.
41. The Commission upon receipt of a request by KURA cancelled the acquisition of LR. No. 7374/3 and issued a degazettment notice of the said acquisition.
42. On the prayer made by the petitioners that a public right of way be created of a portion of land owned by Muambi Properties Ltd to facilitate the tarmacking of the Konza /Kutumani Road, the Chairperson stated that section 143 (1), 145, and 146 of the Land Act, 2012 make provision for the Commission to facilitate the creation of a right of way which shall be known as public right of way. He added that the Commission would upon request initiate the said creation of a public right of way of the 400 meters portion of land affected by the Konza – Katumani Road. However, he noted that section 148 of the Act provides for prompt compensation to any person for the use of land of which the person is the lawful owner or is in actual occupation.
43. The land in question LR. No. 7374/3, owned by Muambi Properties Ltd had not been subdivided and consequently no portion had been surrendered by the owner for public utility.

4.0 OBSERVATIONS

The Committee made the following observations:

- a. Although the Petitioners indicated in the Petition that the contested 400 meters portion of the Konza – Katumani Road traversed on land LR, No. 355/2, the Director General, Kenya Urban Roads Authority and the Chairperson National Land Commission clarified that the said portion was on land parcel LR No. 7374/3 owned by Muambi Proprieties Limited.
- b. The land parcel LR No. 7374/3 owned by Muambi Proprieties Limited and for purposes of Article 40 of the Constitution an acquisition of any interest in the land would require prompt payment in full of just compensation to the lawful owner.
- c. The land in question LR. No. 7374/3 owned by Muambi properties had not been subdivided and consequently no portion had been surrendered by the owner for public utility.
- d. Although the 400 meters road passing through the ranch LR. No. 7374/3 and joining Mombasa Road at Konza is not a public road, it has been in continuous use for over fifty (50) years by residents and other persons crossing from Mombasa Road to Machakos Town through Katumani.
- e. The members of the public use the said 400 meters road, which is a shorter and convenient route to access Mombasa Road.
- f. A compulsory land acquisition process had been initiated by the Kenya Urban Roads Authority to acquire the affected 0.7972Ha from LR. No. 7374/2 measuring approximately 880 acres located off Mombasa road.
- g. The notice of intention to acquire was published via gazette notice No. 3215 dated March 29, 2018 and Gazette Notice of inquiry No. 5264 dated 17th May, 2018 were issued accordingly.
- h. The submissions made to the Committee by the Director General, Kenya Urban Roads Authority indicated that the compulsory acquisition award of Ksh. 52, 632,


588, made by the National Land Commission in respect to subject piece of land measuring approximately 0.7972 Ha, owned by Muambi Properties Ltd, to facilitate the tarmacking of the Konza /Kutumani Road appeared to be expensive and exaggerated in comparison to the prevailing market price for comparable land in the area.

- i. KURA did not pay the said award and decided to identify an alternative alignment, measuring approximately 1.55km. The National Land Commission was notified of the decision and requested to cancel the acquisition process and issue a degazettement notice thereof.
- j. Sections 143(1), 145, and 146 of the Land Act, 2012 allows the National Land Commission to facilitate the creation of a communal right of way which shall be known as a public right of way.
- k. There exists a basis for the National Land Commission to create a public right of way over the 400 meters portion of the Konza – Katumani Road traversing on private land LR No. 7374/3, considering-
 - i. the said road has been used by the residents of Vota and other members of the public for more than fifty (50) years; and maintained by the government; and
 - ii. The 400 meters road is the shortest and most convenient route joining the Mombasa road for use by the residents of Vota and other members of the public.
- l. The NLC did aver that it would upon request initiate the said creation of a public right of way of the 400 meters portion of land affected by the Konza – Katumani Road in accordance with the Lands Act, 2012.
- m. In view of the foregoing, the National Land Commission may consider creating a public right of way pursuant to section 143 of the Land Act, 2012 to facilitate the convenient passage of the residents of Vota through the 400 meters private road which they have been using for over fifty years.

5.0 RECOMMENDATIONS

In response to the Petitioners' prayers, the Committee recommends that-

1. **The National Land Commission does consider facilitating the creation of a public right of way pursuant to section 143 of the Land Act, 2012 to ensure convenient passage of the residents of Vota through the 400 meters road which they have been using for over fifty years within six months of the tabling of this Report.**
2. **The Cabinet Secretary Ministry of Lands and Physical Planning does fast track the development of the land Value Index as contained in the Land Value (Amendment) Act 2019 to address the challenge of over-valuation of land identified for the development of public projects within three months of the tabling of this Report.**

Sign  Date 13/10/2020

Hon. Dr. Rachael Kaki Nyamai, CBS, MP
Chairperson, Departmental Committee on Lands



DEPARTMENTAL COMMITTEE ON LANDS

MEMBERS' ATTENDANCE

Date: 06/10/2020 Time: 10.00 a.m. Start Time: 10.27 End Time: 11.55 AM Venue: 5th floor, Continental House

Agenda: Adoption of reports on Petitions

	NAMES	SIGNATURE
1.	Hon. Dr. Rachael Nyamai, CBS, MP - Chairperson	
2.	Hon. Khatib Mwashetani, MP V/Chairperson	
3.	Hon. Benjamin Washiali, CBS MP	
4.	Hon. Joshua Kutuny Serem, MP	
5.	Hon. Mishi Mboko, MP	
6.	Hon. Omar Mwinyi Shimbwa, MP	
7.	Hon. Ahmed Kolosh, MP	
8.	Hon. Ali Mbogo, MP	
9.	Hon. Babu Owino, MP	
10.	Hon. Caleb Kipkemei Kositany, MP	
11.	Hon. George Aladwa, MP	
12.	Hon. George Risa Sunkuyia, MP	
13.	Hon. John Muchiri Nyaga, MP	
14.	Hon. Josphat Gichunge Kabeabea, MP	
15.	Hon. Lilian Tomitom, MP	
16.	Hon. Owen Yaa Baya, MP	
17.	Hon. Patrick Munene Ntwiga MP	
18.	Hon. Samuel Kinuthia Gachobe, MP	
19.	Hon. Teddy Mwambire, MP	

Prepared By: Ahmad Guliyev
(Clerk Assistant)

Sign: [Signature]

Countersigned: Director, Committee Services

Sign: [Signature]
06/10/2020

MINUTES OF THE 38TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON TUESDAY 6TH OCTOBER, 2020 IN THE COMMITTEE ROOM 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

1. Hon. Dr. Rachael Nyamai, CBS, M.P - **Chairperson**
2. Hon. Joshua Kutuny, MP
3. Hon. Mishi Mboko, M.P
4. Hon. Omar Mwinyi Shimbwa, M.P
5. Hon. Ahmed Kolosh, MP
6. Hon. Babu Owino, MP
7. Hon. George Aladwa, M.P
8. Hon. John Muchiri Nyaga, MP
9. Hon. Josphat Gichunge Kabeabea, M.P
10. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Khatib Mwashetani, M. P - **Vice Chairperson**
2. Hon. Benjamin Washiali, CBS, MP
3. Hon. Ali Mbogo, M.P
4. Hon. Caleb Kositany, M.P
5. Hon. George Risa Sunkuyia, M.P
6. Hon. Owen Yaa Baya, M.P
7. Hon. Patrick Munene Ntwiga, MP
8. Hon. Samuel Kinuthia Gachobe, M.P
9. Hon. Lilian Tomitom, MP

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Leonard Machira - Senior Clerk Assistant
2. Mr. Ahmad Guliye - Third Clerk Assistant
3. Ms. Peris Kaburi - Serjeant-At-Arms
4. Mr. Dennis Mawira - Audio Recording Officer

MIN. NO. NA/DCS/LANDS/2020/147: PRELIMINARIES

The meeting was called to order at twenty-seven minutes past ten o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2020/148: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN. NO. NA/DCS/LANDS/2020/149: ADOPTION OF REPORTS ON PETITIONS

I. Petition by residents of Karare Ward regarding compulsory acquisition of land in Marsabit County by the Kenya Defence Forces

The Committee adopted the report on the Petition by residents of Karare Ward regarding compulsory acquisition of land in Marsabit County by the Kenya Defence Forces with the following observations and recommendations after it was proposed and seconded by Hon. Mishi Mboko. M.P and Hon. Teddy Mwambire, M.P respectively.

Observations

- a. The submissions made to the Committee by both the Cabinet Secretary, Ministry of Defence and the Chairperson National Land Commission indicated that the matters raised in the Petition were pending before the Environment and Land Court in Meru in Constitutional Petition No. 4 of 2020.
- b. Mr. Stephen Lesoroh Gambare. and the Rendile Professional Association are indicated as Petitioners in the Petition before the Committee and as plaintiffs in Petition No, 4 of 2020 pending at the Environment and Land Court in Meru.
- c. Standing Order 89 provides that no Member shall refer to any particular matter which is *sub judice* and a matter is considered to be *sub judice* when it refers to active civil proceedings and the discussion of such matter is likely to prejudice its fair determination.
- d. The matters raised in the Petition fall under the *sub judice rule* in accordance to Standing Order 89 as they refer to active civil proceedings and the consideration of the Petition is likely to prejudice the fair determination of the case.

Recommendation

In response to the prayers by the Petitioners, the Committee recommended that since the matters raised in the Petition were pending before the Environment and Land Court in Meru in Constitutional Petition No. 4 of 2020 and were therefore *sub judice*, the Petitioners do exhaust the judicial process in addressing the prayers.

II. Petition by residents of Vota, Mua Ward in Machakos Town Constituency regarding the obstruction of the tarmacking of Konza – Katumani road

The Committee adopted the report on the Petition by residents of Vota, Mua Ward in Machakos Town Constituency regarding the obstruction of the tarmacking of Konza – Katumani road with the following observations and recommendations after it was proposed and seconded by Hon. Muchiri Nyagah, M.P and Hon. Ahmed Kolosh, M.P.

Observations

- a. Although the Petitioners indicated in the Petition that the contested 400 meters portion of the Konza – Katumani Road traversed on land LR, No. 355/2, the Director General, Kenya Urban Roads Authority and the Chairperson National Land Commission clarified that the said portion was on land parcel LR No. 7374/3 owned by Muambi Proprieties Limited.
- b. The land parcel LR No. 7374/3 owned by Muambi Proprieties Limited and for purposes of Article 40 of the Constitution an acquisition of any interest in the land would require prompt payment in full of just compensation to the lawful owner.
- c. The land in question LR. No. 7374/3 owned by Muambi properties had not been subdivided and consequently no portion had been surrendered by the owner for public utility.
- d. Although the 400 meters road passing through the ranch LR. No. 7374/3 and joining Mombasa Road at Konza is not a public road, it has been in continuous use for over fifty (50) years by residents and other persons crossing from Mombasa Road to Machakos Town through Katumani.
- e. The members of the public use the said 400 meters road, which is a shorter and convenient route to access Mombasa Road.
- f. A compulsory land acquisition process had been initiated by the Kenya Urban Roads Authority to acquire the affected 0.7972Ha from LR. No. 7374/2 measuring approximately 880 acres located off Mombasa road.
- g. The notice of intention to acquire was published via gazette notice No. 3215 dated March 29, 2018 and Gazette Notice of inquiry No. 5264 dated 17th May, 2018 were issued accordingly.
- h. The submissions made to the Committee by the Director General, Kenya Urban Roads Authority indicated that the compulsory acquisition award of Ksh. 52, 632, 588, made by the National Land Commission in respect to subject piece of land measuring approximately 0.7972 Ha, owned by Muambi Properties Ltd, to facilitate the tarmacking of the Konza /Katumani Road appeared to be expensive and exaggerated in comparison to the prevailing market price for comparable land in the

area.

- i. KURA did not pay the said award and decided to identify an alternative alignment, measuring approximately 1.55km. The National Land Commission was notified of the decision and requested to cancel the acquisition process and issue a degazettement notice thereof.
- j. Sections 143(1), 145, and 146 of the Land Act, 2012 allows the National Land Commission to facilitate the creation of a communal right of way which shall be known as a public right of way.
- k. There exists a basis for the National Land Commission to create a public right of way over the 400 meters portion of the Konza – Katumani Road traversing on private land LR No. 7374/3, considering-
 - i) the said road has been used by the residents of Vota and other members of the public for more than fifty (50) years; and maintained by the government; and
 - i) The 400 meters road is the shortest and most convenient route joining the Mombasa road for use by the residents of Vota and other members of the public.
- l. The NLC did aver that it would upon request initiate the said creation of a public right of way of the 400 meters portion of land affected by the Konza – Katumani Road in accordance with the Lands Act, 2012.
- m. In view of the foregoing, the National Land Commission may consider creating a public right of way pursuant to section 143 of the Land Act, 2012 to facilitate the convenient passage of the residents of Vota through the 400 meters private road which they have been using for over fifty years.

Recommendations

1. The National Land Commission does consider facilitating the creation of a public right of way pursuant to section 143 of the Land Act, 2012 to ensure the convenient passage of the residents of Vota through the 400 meters road which they have been using for over fifty years within six months of the tabling of this Report.
2. The Cabinet Secretary Ministry of Lands and Physical Planning does fast track the development of the land Value Index as contained in the Land Value (Amendment) Act 2019 to address the challenge of over-valuation of land identified for the development of public projects within three months of the tabling of this Report.

III. Petition by residents of Golini, Kwale County regarding regularization of allocation of land in Golini settlement scheme

- IV. The Committee adopted the report on the Petition by residents of Golini, Kwale County regarding regularization of allocation of land in Golini settlement scheme with the

following observations and recommendations after it was proposed and seconded by Hon. Teddy Mwambire, MP and Hon. Mishi Mboko, MP respectively.

Observations

- a. The Golini settlement scheme L.R 5003 covering an area of 377.02 Ha. was established in 1994. The scheme was subsequently registered, and 152 titles deeds were issued.
- b. Thereafter complains from locals alleging marginalization during plot allocation necessitated the formation of a Task force in 2003 which produced the Golini Task Force Report.
- c. The scheme was subsequently abolished through a ministerial a directive issued on 2nd March 2007.
- d. Consequently, the scheme was resurveyed as per ground occupancy, realizing 268 plots as was recommended by the task force.
- e. The Committee noted with concern that the first survey and allocation were not nullified after the second re- survey and the latter had already been registered.
- f. In January 2017, the National Land Commission (NLC) considered the matter and delivered its findings under Article 67(2)(e) on historical land injustices and recommended, that:
 - The first survey map used to allocate the land be abolished because it led to erroneous allocation.
 - The letters of offer that followed were hence null and void.
 - The second survey map that was done with the consent and involvement of Golini people be upheld and used as a basis of allocation of the subject land.
 - Fresh letters of offer be issued in conformity with this map subject to resolving boundary and inheritance matters therein.
 - A proper PDP be prepared to reflect the existing land use and public utilities.
 - New titles reflecting the actual scenario on the ground be issued and registered thereafter.
- g. Despite the NLC having communicated its decision to the Cabinet Secretary, Ministry of Lands and Physical planning and the Governor Kwale County for implementation on 25th January, 2017, the Ministry has to date failed to ensure that the initial allocation of land in the scheme is legally cancelled to pave way for the settlement of genuine beneficiaries.
- h. Although the residents of Golini were issued with fresh allotment letters following the re- survey of the land in Golini Settlement Scheme, in 2007, the 152 title deeds that had been issued in the initial allocation were not cancelled and this has facilitated the continued transfer of the land to third parties.

- i. The Petitioners' were unable to raise the necessary fees to facilitate the lodging of a case in court seeking the revocation of the said title deeds due to the huge cost involved, including serving the 152 allottees.
- j. The Committee also took cognizant of the fact that the power of the National Land Commission to revoke the grant of review all grants or dispositions of public land to establish their propriety or legality had since expired under the National Land Commission Act.
- k. There is need for the Ministry to forthwith implement the recommendations of the NLC and ensure that the initial allocation of land in the scheme is revoked and cancelled to pave way for the settlement of beneficiaries as per the second re- survey.

Recommendations

1. Pursuant to section 76 of the Lands Registration Act, 2012, the Registrar of Lands does immediately place restrictions on Golini Settlement Scheme, L.R No. 5003 to guard against further sub-division and continued transfer of the land to third parties upon tabling of this Report.
2. The Cabinet Secretary, Ministry of Lands and Physical Planning does implement the recommendations of the NLC and ensure that the initial allocation of land in the scheme is revoked and cancelled to pave way for the settlement of the beneficiaries as per the second re- survey within six months of tabling of this Report.

MIN. NO. NA/DCS/LANDS/2020/150: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at five minutes to twelve o'clock. The next meeting would be held on notice.

Signature

HON. DR. RACHAEL KAKI NYAMAI, CBS, M.P.

(Chairperson)

Date.....

13/10/2020

**MINUTES OF THE 28TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD VIRTUALLY ON TUESDAY 18TH AUGUST 2020 AT 10:00 A.M**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Khatib Mwashetani, MP - **Vice Chairperson**
3. Hon. Mishi Mboko, M.P
4. Hon. Omar Mwinyi Shimbwa, MP
5. Hon. Babu Owino, MP
6. Hon. Caleb Kositany, M.P
7. Hon. George Risa Sunkuyia, M.P
8. Hon. Josphat Gichunge Kabeabea, M.P
9. Hon. Owen Yaa Baya, M.P
10. Hon. Patrick Munene Ntwiga, MP
11. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Benjamin Washiali, MP
2. Hon. Joshua Kutuny, MP
3. Hon. Ahmed Kolosh, MP
4. Hon. Ali Mbogo, M.P
5. Hon. George Aladwa, M.P
6. Hon. John Muchiri Nyaga, MP
7. Hon. Lilian Tomitom, MP
8. Hon. Samuel Kinuthia Gachobe, M.P

IN ATTENDANCE

PETITIONERS

1. Mr. Wilfred Nyamu - Advocate for the Petitioners
2. Mr. Bernard Mutisya - Petitioner
3. Mr. Kalii Daniel - Petitioner
4. Mr. Joshua Mbithi - Petitioner
5. Mr. Muema Makau - Petitioner
6. Mr. Patrick Kiio - Petitioner

INTERESTED PARTY

1. Mr. Harrison Kikuvu Muambi - Interested Party
2. Mr. S. Kivuva - Advocate for the interested Party

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|-------------------------|
| 1. Mr. Leonard Machira | - | Senior Clerk Assistant |
| 2. Mr. Ahmad Guliye | - | Third Clerk Assistant |
| 3. Ms. Jemimah Waigwa | - | Legal Counsel I |
| 4. Ms. Peris Kaburi | - | Serjeant-At-Arms |
| 5. Mr. Denis Mawira | - | Audio Recording Officer |

MIN. NO. NA/DCS/LANDS/2020/104: PRELIMINARIES

The meeting was called to order at seventeen minutes past ten o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2020/105: MEETING WITH THE PETITIONERS ON A PETITION REGARDING OBSTRUCTION OF THE TARMACKING OF KONZA – KATUMANI ROAD

Mr. Wilfred Nyamu representing the petitioners submitted the following before the Committee on the above-mentioned petition, that:

- i) The road in question had been used by the public for over fifty (50) years;
- ii) The said road links Konza on Mombasa Road to Katumani through Vota. There was no other convenient road that would link Katumani to Mombasa road as the alternative route was 1.5 km long, while the section of the road passing through Mr. Harrison Muambi's land was only 400 meters to Mombasa road.
- iii) The road was previously maintained by government agencies, such as the Kenya Rural Roads Authority. However, in November 2018, the road was taken by Kenya Urban Roads Authority (KURA) and a contractor engaged to upgrade it from marram to bitumen standard. The contractor was obstructed by one Mr. Harrison Muambi on the basis that he owns the land, LR No. 355/2 registered in the name of Muambi Properties Limited.
- iv) The road initially existed under LR No. 1161 before LR No. 355/2, owned by Mr. Harrison Muambi was registered;
- v) To date the Kenya Urban Roads Authority had been unable to tarmac the road preventing hundreds of members of the public from easily accessing Mombasa Road from Katumani, Vota and Katoloni areas of Machakos Town;
- vi) The Petitioners requested that the petition be amended in paragraph (i) of the prayers to read Article 62 1 (h) instead of article 60 1 (h).

The Petitioners prayed that the National Assembly through the Departmental Committee on Lands;

- a. Declare portion of land of the road connecting Katumani and Mombasa Road through Vota as a public land for public utility purposes.
- b. The National Land Commission creates an easement on the land over LR No. 355/2 for purposes of public utility.
- c. Make any other recommendations as it deems fit in the circumstances of the petition.

Submissions Mr. Harrison Kikuvu Muambi (an Interested Party)

Mr. Harrison Kikuvu Muambi, an interest in the parcel of land in question, assisted by Mr. Kivuva, an advocate, informed the Committee as follows:

- i) He owns a parcel of land LR. No 7374 located in Vota between Konza and Kutamani in Machakos Town Constituency. The land in question is a private ranch registered in the name of Muambi & Muambi Associates;
- ii) The petition had referenced the said land as LR No. 355/2 instead of LR. No 7374 which indicated that the petitioners had not undertaken due diligence in drafting the petition;
- iii) There was no public road within the ranch owned by Muambi & Muambi Associates. However, a 400 meters private road passes through the ranch and joins Mombasa Road at Konza. Members of the public use the private road, which is shorter route, with the permission of the owner, to access Mombasa Road. However, a public road that is 1.5 km long, running parallel to the private ranch also connects Kutamani to Mombasa Road.
- iv) He acquired the land in question thirty-three (32) years ago before the petitioners settled in the area in 1995. He added that the land, comprising 8000 acres in total, was acquired whole from the initial owner and had not been subdivided. Therefore, no land within the said parcel was surrendered for public utility;
- v) The National Land Commission through a Gazette notice No. 5264 dated 31st May 2018 made a request to compulsorily acquire 0.7972 Ha of the land to facilitate the tarmacking of the 400-meter private road passing through Mr. Harrison Muambi's land in order to make it a public road;
- vi) The National Land Commission initiated the acquisition process by conducting public participation and made an offer to the owner. He rejected the initial offer and presented

a counter offer of Ksh.78 million shillings. The Commission gave a further offer of Ksh. 52 million which was accepted on 14th August, 2018; and

- vii) He was not opposed to the acquisition of the land in question and had been waiting for the agreed compensation to be made on the terms offered by the National Land Commission.

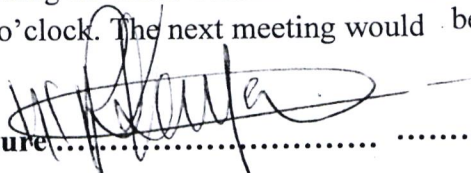
Committee resolutions

The Committee made the following resolutions:

- i) The Committee noted the submissions made by the two parties and directed that Mr. Harrison Kikui Muambi to submit written submissions and other supporting documents to the Committee within seven days. Mr. Wilfred Nyamu was also asked to forward any additional written submissions to the Committee within the same period; and
- ii) The Committee resolved to hold meetings with the Director General Kenya Urban Roads Authority, Chairperson, National Land Commission and also seek submissions from the Ministry of Lands & Physical Planning in respect of the petition.

MIN. NO. NA/DCS/LANDS/2020/106: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at seventeen minutes past twelve o'clock. The next meeting would be held on Thursday, 20th August 2020 at 10.00 a.m.

Signature.....


HON. DR. RACHAEL F. AKI NYAMAI, CBS, M.P.

(Chairperson)

Date..... 27-08-2020

MINUTES OF THE 32ND SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD VIRTUALLY ON THURSDAY 3RD SEPTEMBER, 2020 AT 10:00 A.M

PRESENT

1. Hon. Dr. Rachael Nyamai, CBS, M.P - **Chairperson**
2. Hon. Khatib Mwashetani, M. P - **Vice Chairperson**
3. Hon. Mishi Mboko, M.P
4. Hon. Babu Owino, MP
5. Hon. Caleb Kositany, M.P
6. Hon. George Risa Sunkuyia, M.P
7. Hon. Owen Yaa Baya, M.P
8. Hon. Patrick Munene Ntwiga, MP
9. Hon. Samuel Kinuthia Gachobe, M.P
10. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Benjamin Washiali, CBS, MP
2. Hon. Joshua Kutuny, MP
3. Hon. Omar Mwinyi Shimbwa, MP
4. Hon. Ahmed Kolosh, MP
5. Hon. Ali Mbogo, M.P
6. Hon. George Aladwa, M.P
7. Hon. John Muchiri Nyaga, MP
8. Hon. Josphat Gichunge Kabeabea, M.P
9. Hon. Lilian Tomitom, MP

IN ATTENDANCE

THE NATIONAL LAND COMMISSION (NLC)

1. Mr. Gershom O'ttachi - Chairperson
2. Mr. Reginald Okumu - Commissioner
3. Prof. James Tuitoek - Commissioner
4. Mr. Francis Bor - Ag. Deputy Chief Executive Officer

KENYA URBAN ROADS AUTHORITY (KURA)

1. Eng. S. Kinoti - Director General

2. Eng. Wilson Tobiko

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|----------------------------|
| 1. Mr. Leonard Machira | - | Senior Clerk Assistant |
| 2. Mr. Ahmad Guliye | - | Third Clerk Assistant |
| 3. Dr. Kefa Omti | - | Principal Research Officer |
| 4. Ms. Jemimah Waigwah | - | Legal Counsel 1 |
| 5. Ms. Peris Kaburi | - | Serjeant-At-Arms |
| 6. Mr. Dennis Mawira | - | Audio Recording Officer |

MIN. NO. NA/DCS/LANDS/2020/120: PRELIMINARIES

The meeting was called to order at nine minutes past ten o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2020/121: CONFIRMATION OF MINUTES

This agenda item was differed to the next sitting.

MIN. NO. NA/DCS/LANDS/2020/122: MEETING WITH THE CHAIRPERSON NATIONAL LAND COMMISSION AND THE DIRECTOR GENERAL, KENYA URBAN ROADS AUTHORITY (KURA) ON A PETITION BY RESIDENTS OF VUTA, MUA WARD, MACHAKOS TOWN CONSTITUENCY REGARDING OBSTRUCTION OF TARMACKING OF THE KONZA – KATUMANI ROAD

Submissions by the Director General, Kenya Urban Authority (KURA Roads)

The Director General, Kenya Urban Authority (KURA Roads) informed the Committee that:

- i) **Background;** The Katumani-Vota-Konza road is approximately 9 Km and is located in Mua ward, Machakos Town Constituency in Machakos County. The road serves as a link road between Mombasa road and Wote road.;
- ii) **Classification:** The road was previously under the jurisdiction of Kenya Rural Roads Authority (KeRRA) . However, the road was vested to Kenya Urban Roads Authority (KURA) in the FY 2015/2016 upon reclassification of roads to align the roads to the requirements of the new constitution of Kenya, 2010;

- iii) **Maintenance History:** KeRRA has been maintaining the road since 2010 through grading, gravelling and minor drainage works under Road Maintenance Levy Funds (RMLF) provided by Kenya Roads Board (KRB). Upon taking over the road, KURA continued the same maintenance activities until FY 2017/2018 where funds were allocated through the authority's Annual Road Work Programme (ARWP) for stage construction of the road to bitumen standards;
- iv) **Planned Funding:** The construction of the road was to be achieved in phases over 4 financial years commencing in FY 2017-2018 at a cumulative cost of Kshs **248,035,394.56.;**
- v) **Implementation Status:** Contracts have been awarded spanning the FY 2017/2018 to 2019/2020 covering a length of approximately 6.5 Km.;
- vi) **Implementation Constraints:** During the implementation of the first phase of the project in the FY 2017/2018 covering the first 3 Km from Mombasa road. The owner of land Parcel No.7374/3 claimed that the road illegally traverses through his land where there is no provision for a road reserve. Upon receiving the complaint, the regional office, Lower Eastern who are the project supervisors on behalf of KURA sought the intervention of the Authority management through the survey department to establish the authenticity of the claim in order to chart the way forward;
- vii) The Authority took the following measures to the address the complaint made by owner of land parcel LR. No. 7374/3 that the 400-meter section of the road traversed his private land:
- Upon establishing that the project road transverses private land LR No. 7374/3, a compulsory land acquisition process was initiated to acquire the affected portion of land measuring approximately 0.7972Ha between chainage 0+000 and 0+400 off Mombasa road.
 - Notice of intention to acquire was published via gazette notice No. 3215 dated March 29, 2018 and Gazette Notice of inquiry No. 5264 dated 17th May, 2018 were issued accordingly.
 - Valuation was also done and an award of Kshs.52,632,588 was forwarded to Authority for payment.
 - The figure was extremely high and not available within the budget and a decision was made to identify an alternative alignment, measuring approximately 1.55km.
 - National Land Commission was notified and requested to cancel the acquisition process that was initiated and issue a degazettement notice.

- viii) **Current Status:** The Authority decided to skip the 400m section under contention and continue with the works as time was taken to resolve the missing link back to Mombasa road. To date, little progress has been made in resolving this challenge.

Submissions by the Chairperson, National Land Commission

The Chairperson, National Land Commission informed the Committee that:

- i) The Commission was requested by the Kenya Urban Roads Authority (KURA) to compulsorily acquire a portion of land parcel LR, 7334/3 to facilitate the tarmacking of the Konza – Katumani Road and not LR No. 355/2 as indicated in the petition. Therefore, the parcel of land referred to in the petition was erroneous;
- ii) The Commission initiated the process of compulsory acquisition of the affected portion of land measuring approximately 0.7972 Ha was initiated in 2018. Having established that about 400 meters of the planned road project traversed private land LR. No 7374/3;
- iii) A notice of intention to acquire the land in question was published via gazette notice No, 3215 dated 29th March, 2018 and Gazette notice of inquiry No. 5264 dated 17th May, 2018 was also issued;
- iv) The valuation of the said portion of land was undertaken by the commission and signed by the Director of valuation and Taxation. Subsequently an award of Ksh. 52, 632, 588, in favour of Muambi Properties Ltd, was forwarded to KURA for funding;
- v) However, KURA was of the view that the award was beyond the project budget and declined to pay the landowner. Thereafter, the Authority decided to identify an alternative alignment to link the road to Mombasa Road;
- vi) The Commission upon receipt of a request by KURA cancelled the acquisition of LR. No. 7374/3 and issued a degazettement notice of the said acquisition;
- vii) On the prayer made by the petition that a public right of way be created of a portion of land owned by Muambi Properties Ltd to facilitate the tarmacking of the Konza /Kutumani Road, the Chairperson stated that section 143 (1), 145, and 146 of the Land Act, 2012 make provision for the Commission to facilitate the creation of a right of way which shall be known as public right of way. He added that the Commission would upon request initiate the said creation of a public right of way of the 400 meters portion of land affected by the Konza – Katumani Road. However, he noted that section

148 of the Act provides for prompt compensation to any person for the use of land of which the person is the lawful owner or is in actual occupation.

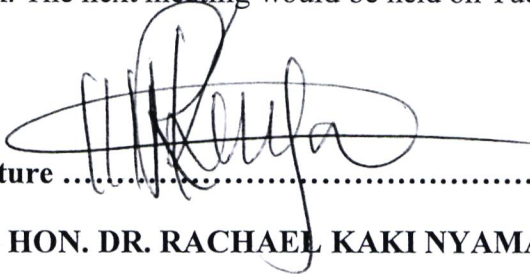
- ix) The land in question LR. No. 7374/3 owned by Muambi properties had not been subdivided and consequently no portion had been surrendered by the owner for public utility.

Committee Observations

- i) The compulsory acquisition award of Ksh. 52, 632, 588 made by the National Land Commission in respect to a portion of land owned by Muambi Properties Ltd to facilitate the tarmacking of the Konza /Kutumani Road appeared to be expensive and exaggerated in comparison to the prevailing market price for land in the area. Consequently, the development of the land Value Index pursuant to the Land Value (Amendment) Act 2019 would address the challenge of exaggeration of the value of land identified for the development of public projects;
- ii) There is a basis for the National Land Commission to create a public right over the 400 meters portion of the Konza – Katumani Road traversing on private land LR No. 7374/3, considering that the said road has been used by members of the public and maintained by the government for more than thirty (30) years;
- iii) Although the petitioners have been enjoying the right of way on the 400 meters portion of the Konza – Katumani Road traversing on LR No. 7374/3, with the consent of the registered owner. The said portion on the road would only be declared a public right of way upon payment of compensation to the registered owner pursuant to the provisions of section 148 of the Land Act 2012; and
- iv) It was economical for the Kenya Urban Roads Authority (KURA) to proceed with tarmacking of the alternative alignment comprising 1.55 km of the Konza /Katumani Road linking the Wote Road to Mombasa Road instead of acquiring 0.7972 Ha at a cost of Ksh. 52 million to facilitate the tarmacking of a 400 meters portion of the road traversing through LR. No. 7374/3; and
- v) The continued maintenance of the contested 400-meter section of the road traversing through LR. No. 7374/3 by KURA may not be justifiable since it was on private property.

MIN. NO. NA/DCS/LANDS/2020/123: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at four minutes past twelve o'clock. The next meeting would be held on Tuesday, 8th September 2020 at 10.00 a.m.



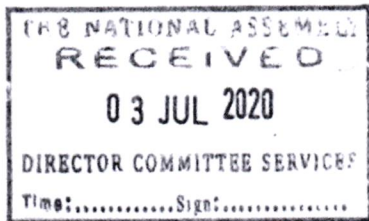
Signature

HON. DR. RACHAEL KAKI NYAMAI, CBS, M.P.

(Chairperson)

Date.....

08/09/2020



REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY (THIRD SESSION)

CONVEYANCE OF PUBLIC PETITION

(No. 17 of 2020)

**REGARDING THE OBSTRUCTION OF TARMACKING OF THE
KONZA- KATUMANI ROAD**

Honourable Members, Standing Order 225(2) (b) requires the Speaker to report to the House any petition, other than those presented by a Member. I therefore wish to report to the House that my office has received a petition submitted by Mr. Bernard Kioko Mutisya and five others on behalf of the residents of Vota, Mua Ward in Machakos Town Constituency.

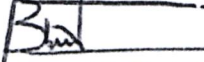
Honourable Members, the Petitioners wish to draw the attention of the House to the obstruction of a road upgrade project undertaken by the Kenya Urban Roads Authority between Konza and Katumani by the registered owner of L.R No. 353/2. The Petitioners aver that the continued use of the road by the public and the fact that the road has been maintained by the Government for over 30 years forms the basis for the National Land Commission to create a public right over the parcel of land.

The Petitioners are apprehensive that the delay in the commencement of the upgrading of the road occasioned by the actions of the owner of the parcel is inhibiting the construction of

the road despite more funds having been allocated by the Government for the project.

Honourable Members, the Petitioners therefore pray that the National Assembly through the Departmental Committee on Lands, intervenes to ensure that the portion of the land L.R No. 353/2 ordinarily utilised as a road be converted to create a public right of way in accordance with Article 40 (3)(a) and Section 143 of the Lands Act.

I thank you!


THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, July 2, 2020

REPUBLIC OF KENYA

Telegraphic Address
"Bunge" Nairobi
Telephone: +254-020-221291/2848000
Fax: +254-020-243694
E-mail: clerk@parliament.go.ke



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

When replying, please quote:

NA/DLPS/PRJO/PET/2020/(011)

11th March, 2020

Nyamu & Nyamu Company Advocates
Mayfair Centre
First Floor
Ralph Buche Rd./Argwings Kodhek Rd,
P.O. Box 75928-00200
Nairobi

Attn. Wilfred Nyamu

Dear

**RE: PUBLIC PETITION BY RESIDENTS OF VOTA IN MAUA WARD,
MACHAKOS TOWN CONSTITUENCY REGARDING TARMARCKING
OF THE KONZA-VOTA-KATUMANI ROAD**

We acknowledge receipt of your letter, dated 2nd March 2020 on the above-mentioned matter.

We wish to inform you that the Petition has met the requirements set it in the Petitions to Parliament (Procedure Act) and provisions of the National Assembly Standing Orders relating to Public Petitions. The Petition is being processed for conveyance to the House, upon which it will stand committed to the relevant Committee for consideration. You will receive further communication from the Committee regarding subsequent steps that will be taken, including hearing the Petitioners.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'S. Njoroge', with a stylized flourish at the end.

S. NJOROGE
For: CLERK OF THE NATIONAL ASSEMBLY



Nyamu & Nyamu
Company Advocates
NOTARY PUBLIC AND COMMISSIONERS FOR OATHS

DLPS

Please deal

05/03/20

NATIONAL ASSEMBLY
PETITIONING DESK
09 MAR 2020

Wilfred Nyamu Mati LLB (Hons) Dip Law K.S.L / CPS(K).
Juliet I. Khamasi Nyamu LLB (Hons) Dip Law K.S.L / CPS(K)

Silas Ombati Ombongi LLB (Hons.) Dip Law K.S.L
Jeannette Esami LLB (Hons.) Dip Law K.S.L
Msimi Michael Kioko LLB (Hons.) Dip Law K.S.L,
Sospeet Mungai Kamande LLB (Hons.) Dip Law K.S.L

OUR REF: NN/1661/16

YOUR REF:

DATE: 2ND MARCH, 2020

TO: THE SPEAKER
NATIONAL ASSEMBLY
Through
THE CLERK,
NATIONAL ASSEMBLY
PARLIAMENT BUILDING
P.O BOX 41842-00100,
NAIROBI

RECEIVED
04 MAR 2020
CLERK'S OFFICE
P.O. BOX 41842-00100
NAIROBI

This seems to be in order. The process and acknowledgment receipts provided 09/13/20

Dear Sir,

RE: PUBLIC PETITION TO THE NATIONAL ASSEMBLY BY RESIDENTS OF VOTA IN MUA WARD, MACHAKOS TOWN CONSTITUENCY

Duly instructed by the Petitioners herein, we do forward herewith a Public Petition to your esteemed house seeking your intervention to salvage a project on the improvement of road meant to serve the Residents of Vota in Mua ward of Machakos Town Constituency to tarmack:

We do request your office to kindly be obliged to admit the same.

We are also instructed to request that all correspondence to our clients be channeled through us.

Should you require any further information and/or clarification, kindly do not hesitate to contact us?

Yours faithfully,

FOR: NYAMU & NYAMU CO. ADVOCATES

wn/pm

[Signature]
WILFRED NYAMU

04 MAR 2020

CLIENTS

V.A.T No. 0126844T

When replying Please Quote Ref No.

PIN No. F051148568M

REPUBLIC OF KENYA
TWELFTH PARLIAMENT
THE NATIONAL ASSEMBLY

PUBLIC PETITION

NATIONAL ASSEMBLY
PETITIONS DESK
09 MAR 2020
SERIAL No.....
RECEIVED

REGARDING THE OBSTRUCTION OF TARMACKING OF THE KONZA -KATUMANI,
A PROJECT UNDERTAKEN BY KENYA URBAN ROADS AUTHORITY

We the undersigned residents of Vota of Mua ward in Machakos Town Constituency;

DRAW the attention of this House on the following:-

1. **THAT**, the road between Konza from Mombasa road to Katumani through Vota has been in use for over fifty (50) years by all residents and other persons crossing from Mombasa Road to Machakos Town through Katumani.
2. **THAT** the road has and at all material times for decades been maintained and funded by Kenya Rural Roads Authority and/or the relevant department of the National Government for decades, with Public Transport vehicles, pedestrians and private motor vehicles frequently use the same.
3. The Kenya Roads Board has already listed the above road as one that is approved for classification and allocation of reference number.
4. **THAT** sometime in November, 2018, the road was taken over by Kenya Urban Roads Authority, and a contractor was engaged to approve the road from marram to tarmac.
5. **THAT** no sooner had the contractor gone to the site, than one Harrison Kikavi Muambi, a director of a company known as Muambi Properties Limited confronted the contractor and has since obstructed the contractor from any further works as he claims ownership of the land.
6. **THAT** it has been established from a survey map that the road comprised in the parcel of land known as LR NO. 355/2 registered in the name of Muambi Properties Limited.
7. **THAT** the land aforesaid was created whilst the road existed as mother title being LR NO 1161
8. **THAT** the land allegedly owned by the said Harrison Kikavi Muambi is approximately 400 meters.
9. **THAT** the necessity of the use of access to Mombasa Road from Katumani along Wote Road is continuous and the period of time is indefinite.
10. **THAT** the Kenya Urban Roads Authority has been unable to tarmac the said road which serves hundreds of families and has been very helpful to people accessing Mombasa from Katumani ,Vota and katoloni areas of Machakos, Town Constituency.

11. THAT Kenya Urban Roads Authority wishes tarmac the said road to ease means of transportation.

12. THAT none of the issues raised in this petition are pending in any Court of law, Constitutional or legal body.

LEGAL FOUNDATIONS OF THE PETITION

1. Article 37 of the Constitution of Kenya 2010, provides that every person has the right to present petitions to public authorities.
2. Article 95 (1) of the Constitution of Kenya 2010 provides that the National Assembly represents the people of the constituencies and special interests in the National assembly.
3. Article 95 (2) of the constitution of Kenya 2010 provides that the National Assembly deliberates on and resolves issues of concern to the people.
4. Article 119 of the constitution of Kenya 2010, provides that every person has a right to petition parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.
5. Section 141(1) of the land act states that the benefit of an easement, and analogous right granted under this part shall, during the term of its existence, be enjoyed by the owner of the dominant land and that owners' successors in title and by-

(a) any lessee of the dominant land, or so far as the nature of the easement ,or analogous right permit ,and part of it and

Article 141(2) any person referred to in subsection 1(a) and (b) who is entitled to the benefit of an easement or analogous right may take in the person's own name any proceedings necessary to enforce that easement or those analogous rights.
6. Section 143 of the Lands Act gives powers to the National Land Commission to create public right of way for the benefit of the public.

GROUND UPON WHICH THE PETITION IS PREMISED

1. The registered owner of the Land has obstructed the Kenya Urban Roads Authority from tarmacking the road between Konza and Katumani.
2. The road having been used by members of the public and maintained by the Government for more than Thirty (30) years there is basis for the National Land Commission to create a public right over the parcel of land known as L.R No. 353/2 situated in Mua within Machakos Town Constituency.
3. The right of way having been enjoyed by the public for decades and maintained by the Government without any interruption or objection from the registered

owner, there is justification for the portion of land utilized as a road be declared a public road devoid of any provision for compensation to the registered owner.

4. There is no convenient alternative road and unless this August House intervenes, the residents of Vota and other members of the public are likely to be highly prejudiced and inconvenienced as the road project is likely to be withdrawn and the funds utilized elsewhere.

THEREFORE, your humble Petitioner prays that the National Assembly invokes Article 37 , 95(i) and (ii) and Article 119 (i) of the Constitution of Kenya, Section 143 of the Land Act, 2012 and allows this petition for prayers as hereunder:-

- i) Portion of the land known L.R no. 355/2 ordinary utilized as road connecting Katumani and Mombasa road through Vota be declared public land for public purpose and for public interest in accordance to Article 40(3)(a)Article 60 (1) (h) and Section 141 & 143 of the Land Act, 2012 of the Constitution of Kenya, 2010.
- ii) Recommendation that there is an easement on the land known as L.R No. 355/2as petitioned by members of the public and that the National Lands Commission creates an easement over L.R No. 355/2 for purposes of Public road.
- iii) This house be pleased to make any other recommendations as it deems fit in the circumstances of this matter.

And your **PETITIONER** so prays.

PRESENTED BY:

1. **BERNARD KIOKO MUTISYA I/D NO. 7259507**


.....
SIGN

2. **KALII DANIEL I/D NO.22497671**


.....
SIGN

3. **JOSHUA MULINGE MBITHI I/D NO. 25597653**


.....
SIGN

4. **MUEMA MAKAU I/D NO. 10514718**


.....
SIGN

5. **PATRICK KIMUYU KIIO I/D NO. 12536225**


.....
SIGN

DATED at NAIROBI this  Day of  2020.

DRAWN & FILED BY:-
NYAMU & NYAMU CO.
ADVOCATES
MAYFAIR CENTRE
1ST FLOOR WING A
RALPH BUNCHE ROAD
P.O. BOX 75928-00200
NAIROBI

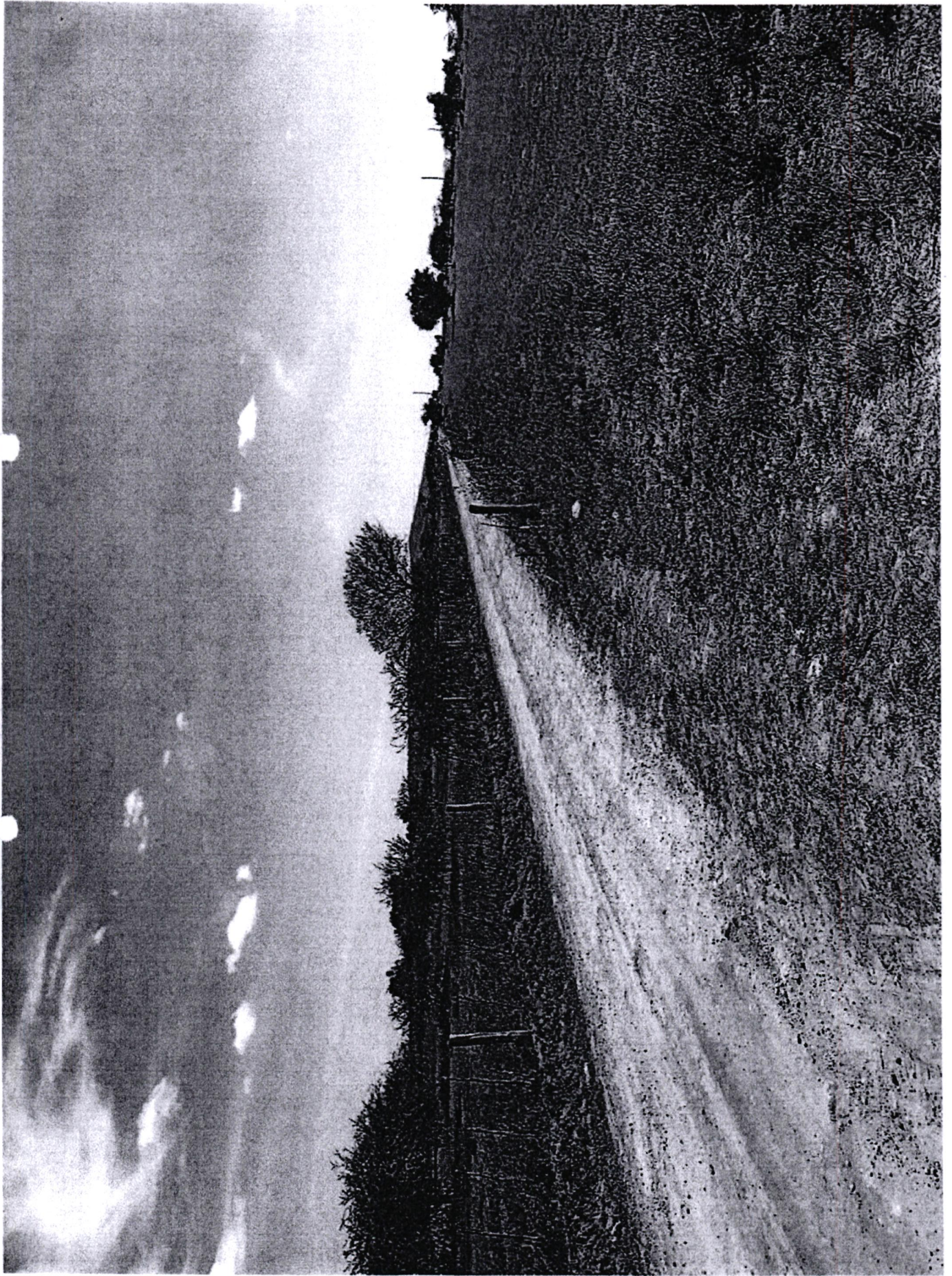


Mombasa A 109

Katumani

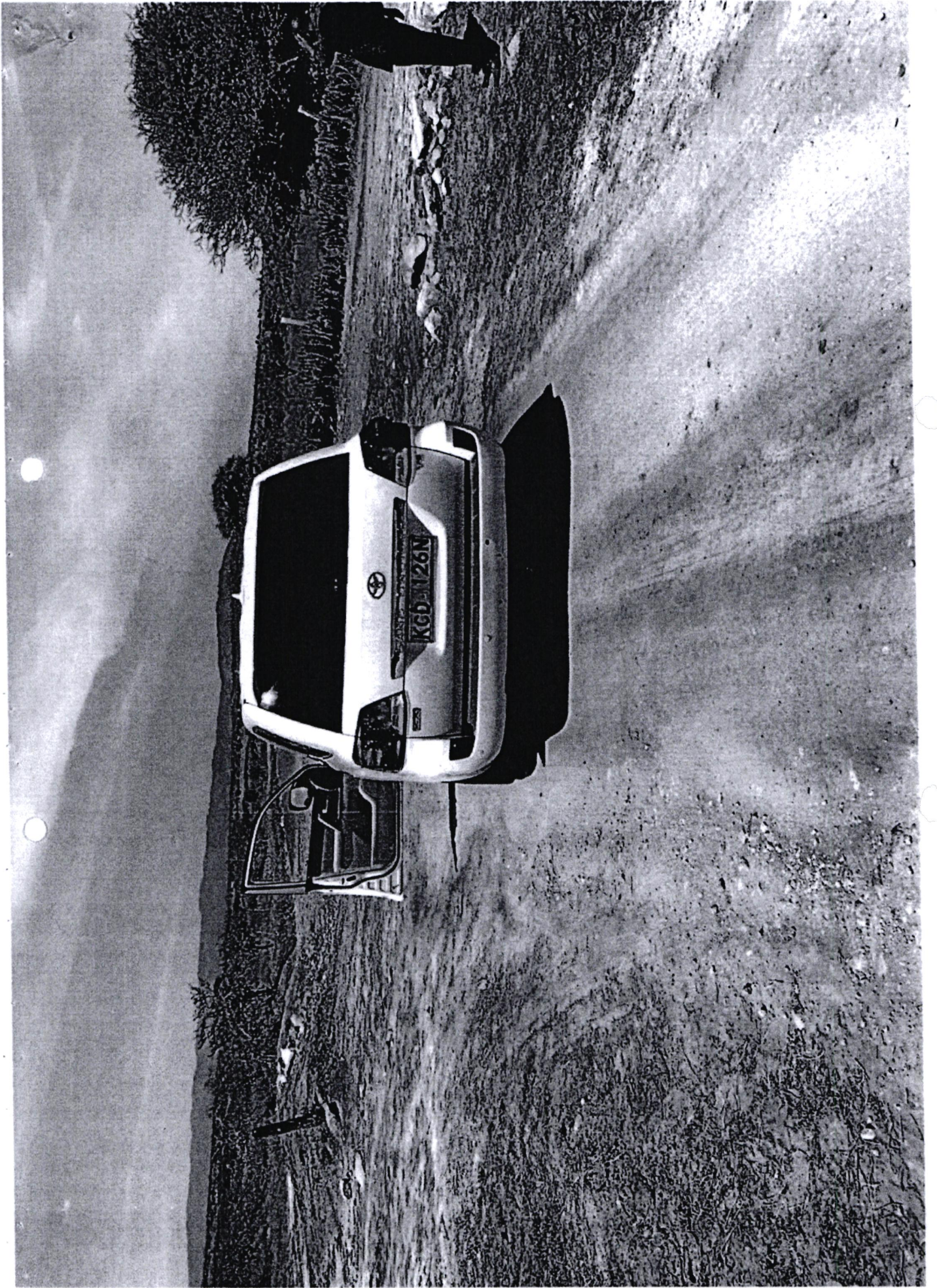
Kapiti Plains
Estate













NATIONAL LAND COMMISSION

**RESPONSE TO PETITIONS REFERRED TO THE DEPARTMENTAL
COMMITTEE ON LAND OF THE NATIONAL ASSEMBLY**

BY

GERSHOM OTACHI BW' OMANWA

CHAIRMAN

3RD SEPTEMBER, 2020

RESPONSE TO PETITIONS

Hon Chair,

We received a letter dated 10th August, 2020, from the Clerk of the National Assembly inviting the chairman of the National Land Commission to respond to two petitions that were being considered by Departmental Committee on Land. Hon Chair we request to respond to one petition – ***petition by residents of Vota Mua Ward*** - during this session and respond to the ***petition by residents of Karare ward in Marsabit*** in our next engagement or as advised.

We wish to respond as follows:

PETITION BY RESIDENTS OF VUTA, MUA WARD MACHAKOS TOWN CONSTITUENCY REGARDING OBSTRUCTION OF THE TARMACKING OF THE KONZA – KATUMANI ROAD

Introduction

On 2nd March, 2020 the residents of Vota in Mua ward, Machakos County petitioned the National Assembly to intervene to salvage the road improvement (upgrading) project on Katumani-Vota-Konza road since the registered owner of LR No. 353/2 blocked the project from passing through his land until he is compensated.

It is important to note that the Commission was never asked to acquire LR No. 353/2. (referred to in Speaker's conveyance) or LR No. 355/2 (referred to by petitioners).

Hon Chair,

Upon the above clarification, we shall now focus on the land the Commission was requested to acquire by KURA - LR No. 7374/3

Chronology of Events

In 2018, upon establishing that about 400 metres of the planned road project traverses private land LR No. 7374/3, the process of compulsory acquisition of the affected portion of land measuring approximately 0.7972Ha was commenced:

- As per practice Notice of intention to acquire was published via gazette notice No. 3215 dated March 29, 2018 and Gazette Notice of inquiry No. 5264 dated 17th May, 2018 were issued.
- Valuation was also done and an award of kshs.52, 000,000.00 was forwarded to KURA for funding.
- However KURA, was of the view that the award was beyond their budget and therefore made a decision to identify an alternative alignment.
- The Commission was notified and requested by KURA to cancel the acquisition of LR NO 7374/5 and issued a degazettement notice.

Prayer On Right Of Way And The Way Forward

The land Act, 2012 section 143(1) provides that subject to and in accordance with this section and section 146, the Commission may, create a right of way which shall be known as public right of way. Further, section 145 states that a county government, an association, or any group of persons may make an application to the commission for a communal right of way. Section 146 provides the determination of public right of way, process and procedure the Commission shall use to create a public right of over private land. The section further provides that it is the cabinet secretary responsible for lands who makes an order through a gazette notice upon recommendation by the Commission.

Once the Cabinet Secretary has made an order to create a public right of way the Commission shall cause all the necessary documents, plans,

demarcations and surveys to be delivered to the Registrar to enable the registrar to exercise the powers under this section.

Section 148 states that compensation is payable to any person for the use of land, of which the person is in lawful or actual occupation, as a public/communal right of way based on the value of the land as determined by a qualified valuer.

Hon Chair, the Commission shall play its role in creating a public right of way upon request and within the above stated legal framework

Thank you



**GERSHOM OTACHI BW'OMANWA
CHAIRMAN**

GAZETTE NOTICE NO. 3215

THE LAND ACT (NO. 6 OF 2012)
CONSTRUCTION OF KATHEKAKAI—MACHAKOS ROAD
INTENTION TO ACQUIRE

IN PURSUANCE of sections 112 and 162 (2) of the Land Act, 2012, the National Land Commission on behalf of Kenya Urban Roads Authority (KURA) gives notice that the National Government intends to acquire the following parcel of land for the construction of Kathekakai—Machakos Road in Machakos County.

Plot Registered/Affected

<i>No.</i>	<i>Owner</i>	<i>Area</i> <i>(Ha)</i>
------------	--------------	----------------------------

L.R.		0.7972
------	--	--------

No.

7374/3

Plans of the affected land may be inspected during office hours at the office of the National Land Commission, Ardhi House, 3rd Floor, Room No. 305, 1st Ngong Road, Nairobi.

Notice of inquiry will be published in the *Kenya Gazette* as per section 112 (1) of the Land Act.

Dated the 29th March, 2018.

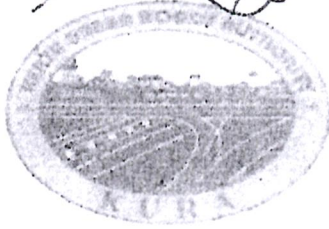
MUHAMMAD A. SWAZURI,

MR/4183382

Commission.

Chairman, National Land

Dt. Director
Val and Tax
Kilbasaya -
16/10/2018



KENYA URBAN ROADS AUTHORITY

Efficient and safe urban roads

HKM PLACE, Bishops Road, Tel: 254-020-8013844

Email: info@kura.go.ke Web: www.kura.go.ke

P.O. Box 41727-00100. GPO, NAIROBI

Ref: KURA/D&C/SUR/3Vol.3/(30)

Date: 11th October 2018

Ag. Chairperson
National Land Commission
Ardhi House, 1st Ngong Avenue, Off Ngong Road
P.O Box 44417
NAIROBI



Dear Madam,

**RE: LAND ACQUISITION FOR KATHEKAI – MACHAKOS ROAD PROJECT-
PLOT NO. LR 7374/3**

Reference is made to your letter Ref. NLC/VAL1444 (5) dated 15th August, 2018 on the above subject matter.

We have perused through the award schedule and wish to inform you that the amount awarded is far above our budget line for the project. The Authority is in the process of identifying alternative road alignment.

We therefore request you to cancel the compulsory acquisition of property L.R. No.7374/3 and degazettement of the same done.

Yours faithfully,

Eng. S. M. Kinoti
Ag. DIRECTOR GENERAL



NLC/VAL.1555

Mr./Mrs./Ms. MUAMBI PROPERTIES LIMITED

THE LAND ACT, 2012 (PART VIII)

PROJECT NAME: KATHEKAKAI - MACHAKOS ROAD PROJECT

GAZETTE NOTICE NO: 3215 OF 6TH APRIL 2018 AND 5264 OF 31ST MAY 2018

Parcel No. LR. NO. 7374/3 (PART/WHOLE)

AWARD

IN PURSUANCE OF SECTION 113 (1) of The Land Act, 2012, having concluded the inquiry relating to the acquisition of the land described in Kenya Gazette Notices above, THE COMMISSION HEREBY AWARDS you the sum of Kshs. 52,632,588 F (Words Kenya Shilling fifty two million six hundred thirty two thousand five hundred and eighty eight only) in respect of your interest in the land and improvements acquired for the above project

The Commission hereby gives the following particulars relating to the acquisition:-

- a) The area of land to be acquired is 0.7912 Ha approximately
- b) The total value of land in my opinion is Ksh 45,307,268 F
- c) The total value of improvements in my opinion is Ksh 460,200 F
- d) The total compensation payable for land and improvements inclusive of 15% disturbance allowance and any other applicable statutory additions (if any) is Ksh 45,767,468 F
- e) The compensation HEREBY AWARDED is payable to the following persons interested in the land:
Pay Muambi Properties Limited
Kshs. 52,632,588 F

Please complete the Indemnity Clause overleaf, attached Statement and Electronic Funds Transfer Forms and submit to the Commission within 14 days of receipt.

DATED this 14th day of August 2018

(Signature)

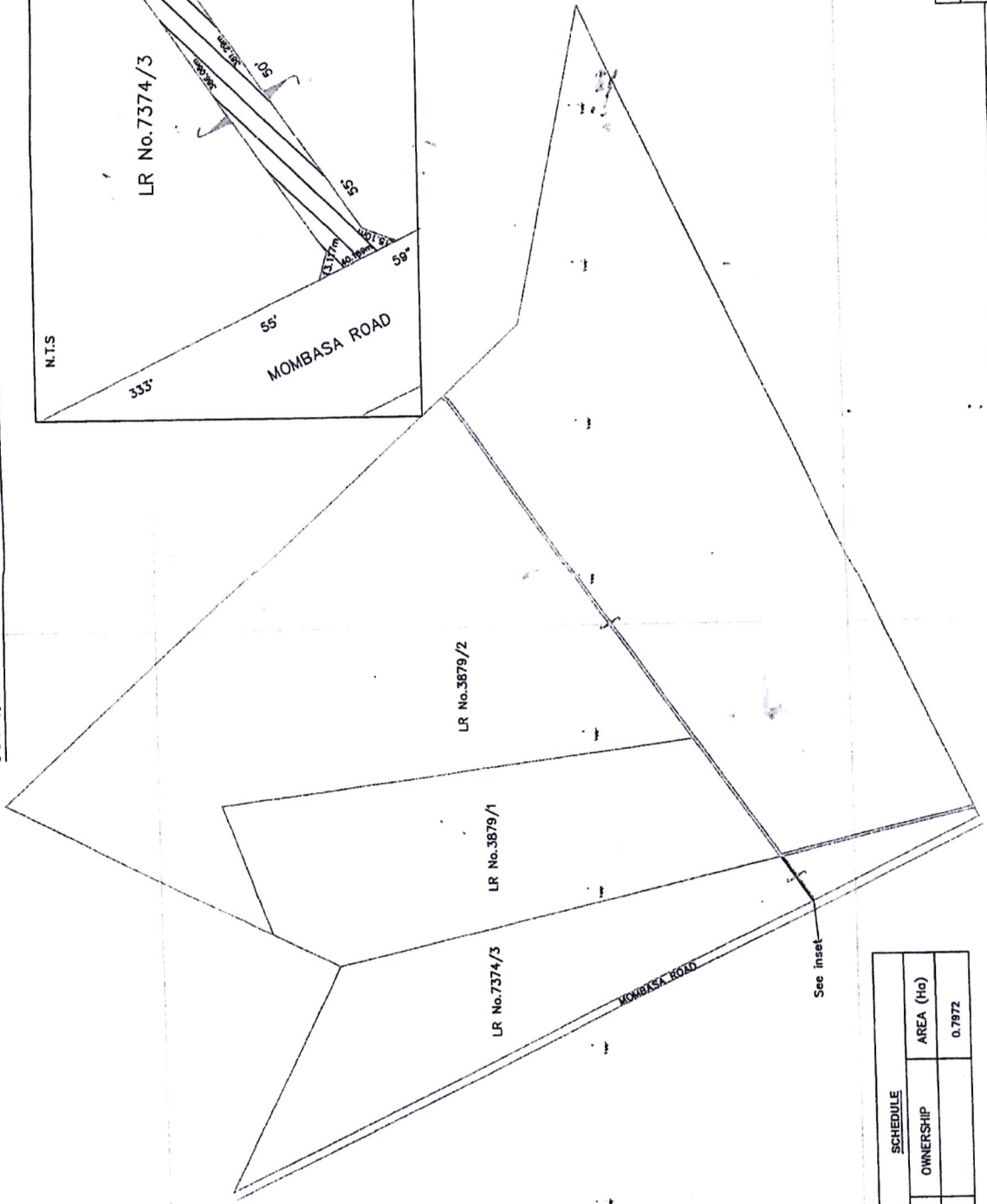
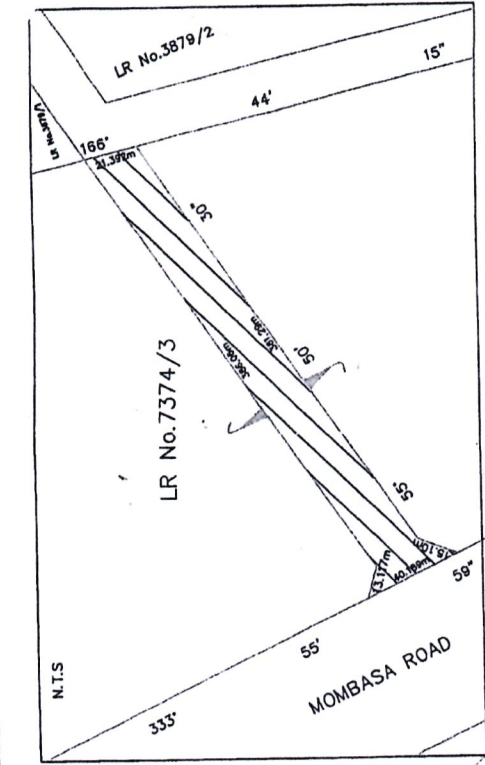
JOASH OINDO
DIRECTORATE OF VALUATION & TAXATION
FOR: CHAIRMAN, NATIONAL LAND COMMISSION

Received by: H.K. Mwan

ID: 7812969

Tel: 0722511891

ACQUISITION PLAN L.R.NO. 7374/3



303438.000
9822159.500

LEGEND

Property Boundary
Area to be Acquired

DATE: Feb 2018
DWG No: 016
SHEET No.

KATHEKANI ROAD
MACHAKOS
ACQUISITION PLAN

SCALE
1:1000

DIRECTOR (URPD)
DEPUTY DIRECTOR SURVEY

KENYA URBAN ROADS AUTHORITY
P. O. BOX 4177 - 00100
NAIROBI



SCHEDULE		
PLOT	OWNERSHIP	AREA (Ha)
LR NO. 7374/3		0.7972

REVISIONS		DATE
NO.	DESCRIPTIONS	



KENYA URBAN ROADS AUTHORITY
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IKM PLACE, Bishops Road, Tel: 254-020-8013844
Email: info@kura.go.ke Web: www.kura.go.ke
P.O. Box 41727-00100, GPO, NAIROBI

BRIEF ON ROUTINE MAINTENANCE OF LOT 17

(KATUMANI-VOTA-KONZA ROAD.)

While doing maintenance works on Katumani-Vota-Konza Road we established that the road transverses private land LR No. 7374/3. Upon realizing that, a Compulsory land acquisition process was initiated to acquire the affected portion of land measuring approximately 0.7972Ha between chainage 0+000 and 0+400 off Mombasa road (**Appendix I**).

Notice of intention to acquire was published via gazette notice No. 3215 dated March 29, 2018 and Gazette Notice of inquiry No. 5264 dated 17th May, 2018 were issued accordingly (**appendix II**).

Valuation was done by National Land Commission and a compensation award of kshs. 52,632,588 (Kenya shillings fifty two million six hundred and thirty two thousand, five hundred and eighty eight only) was forwarded to KURA for payment (**Appendix III**).

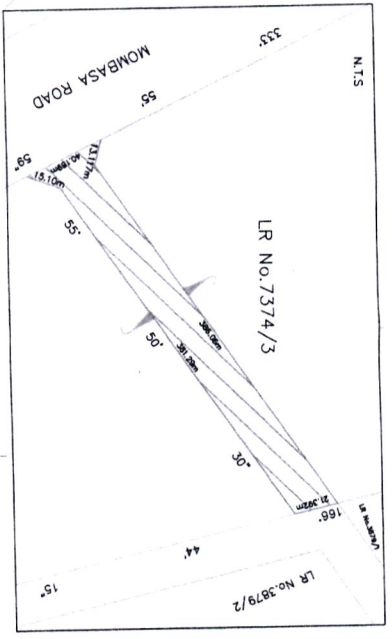
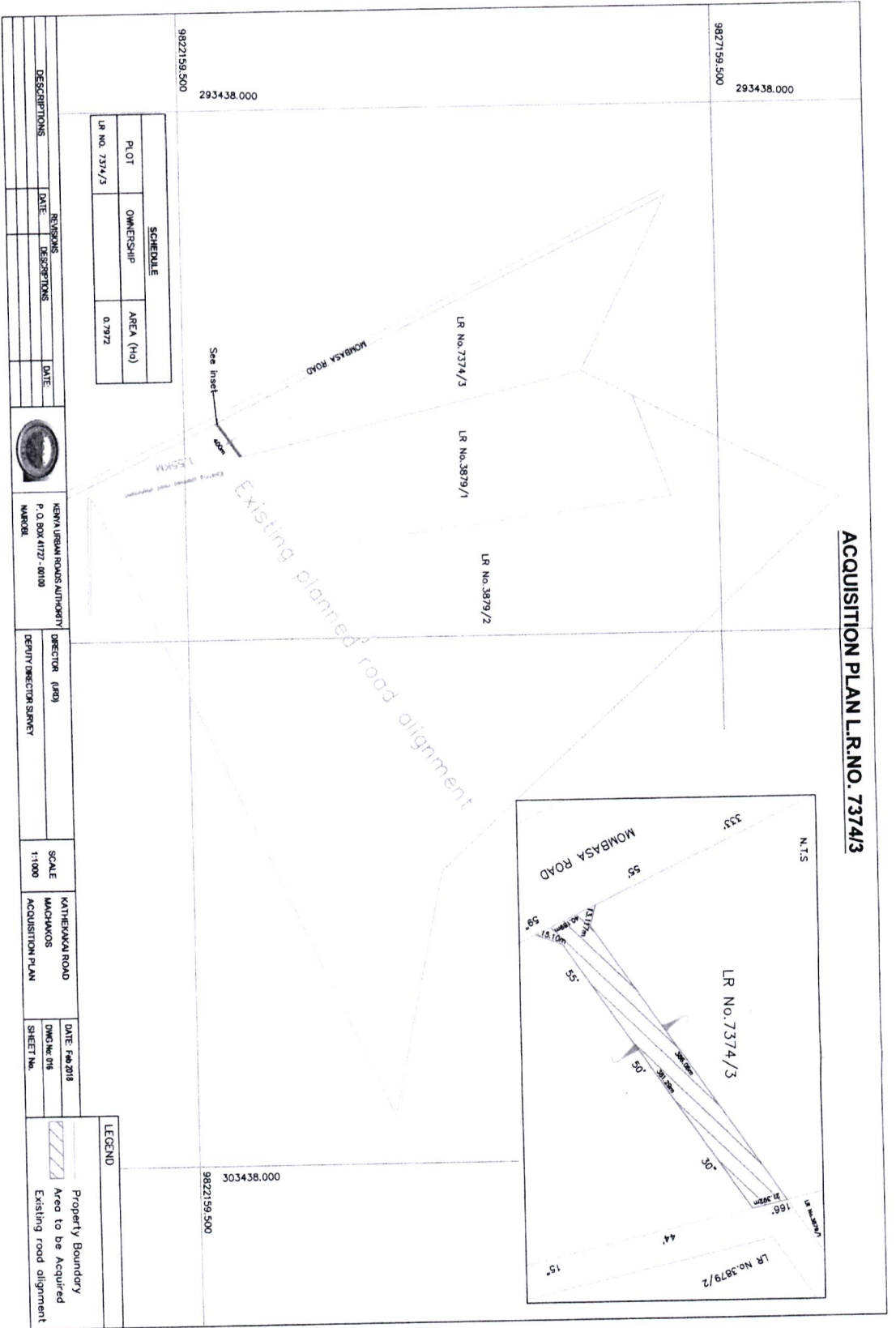
The award amount was found to be extremely high and not available within the available project budget. Decision was made to maintain the existing planned road alignment measuring approximately 1.55 km (**Appendix IV**)

National Land Commission was notified and requested to cancel the compulsory land acquisition process and de-gazettement process was initiated (**Appendix V**)

Thank you

Appendix I

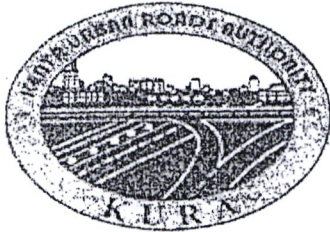
ACQUISITION PLAN L.R.NO. 7374/3



SCHEDULE		
PLOT	OWNERSHIP	AREA (Hq)
LR No. 7374/3		0.7972

9827159.500	293438.000	303438.000	9822159.500
REVISIONS DATE DESCRIPTION DATE [] [] [] []		KENYA URBAN ROADS AUTHORITY P. O. BOX 4177 - 0100 NAIROBI	
DIRECTOR (URD) DEPUTY DIRECTOR SURVEY		KATHIRUKKAI ROAD MACHAKOS ACQUISITION PLAN	
SCALE 1:1000		DATE: Feb 2018 DRC/ur/018 SHEET No.	

LEGEND	
[Hatched Box]	Property Boundary
[Hatched Box]	Area to be Acquired
[Dashed Line]	Existing road alignment



KENYA URBAN ROADS AUTHORITY
Efficient and safe urban roads

11KM PLACE, Bishops Road, Tel: 254-020-8013844
Email: info@kura.go.ke Web: www.kura.go.ke
P.O. Box 41727-00100, GPO, NAIROBI

Ref: KURA/D&C/SUR/3 Vol 2(71)

Date: 16th February, 2018

The Chairman
National Land Commission
Ardhi House, 1st Ngong Avenue, Off Ngong Road
P.O Box 44417
NAIROBI

Dear Sir,

RE: SUBMISSION OF ACQUISITION PLAN
CONSTRUCTION OF KATHEKAKAI ROAD IN MACHAKOS

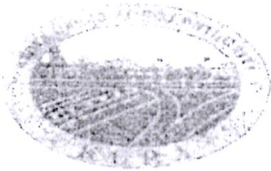
Kenya Urban Road Authority (KURA) is undertaking Construction of above stated road in Machakos County.

In the process of design and staking out, a property LR No. 7374/3 is affected as shown in the acquisition plan attached.

We hereby submit six (6) copies of acquisition plans and acquisition schedule to initiate compulsory acquisition process.

Yours faithfully,

Eng. S. M. Kinoti
Ag. DIRECTOR GENERAL



KENYA URBAN ROADS AUTHORITY

Efficient and safe urban roads

P.O. BOX 2605 - 90100 MACHAKOS

Email: lowereastern@kura.go.ke Web: www.kura.go.ke

Mobile No. +254770074818

REGIONAL OFFICE – LOWER EASTERN

When replying please quote

Ref No: KURA/LE/AS&C/LE/225/17-18/159

and date: 8/1/2018

The Director General,
Kenya Urban Roads Authority,
P. O. Box 41727-00100,
NAIROBI.

Dear Sir,


RE: ROUTINE MAINTENANCE ON KATUMANI-VOTA-KONZA ROAD
CONTRACT NO. KURA/RMLF/LE/225/2017-2018
ROAD ALIGNMENT ON PRIVATE LAND

We recently started maintenance works on the above road which is a classified KURA road but it has come to our attention that part of the road transverses private land LR/No. 737/1/3 between Chainage 0+000 and 0+400 off Mombasa Road.

I contacted the owner of the land Mr. Mwambi on the matter and he indicated that he has no objection on the road being constructed on the land provided that he is suitably compensated.

Mine is to request that the compensation process be initiated appropriately.

Yours faithfully,


Eng. Michael Mugo
Deputy Director, Urban Roads Coordinator

Cc: Ag. Director, Roads Asset & Corridor Management (KURA)

Deputy Director, Survey (Mr. Abdulkadir L. Jamaid)(KURA)

Appendix II



registration the land title deed issued earlier to the said Paul Gitahi Mwaura, shall be deemed to be cancelled and of no effect.

Dated the 6th April, 2018.

S. W. MUCHEMI,

MR/4183024

Land Registrar, Naivasha District.

GAZETTE NOTICE No. 3213

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Paul Gitahi Mwaura (ID/12441310), of P.O. Box 216, Nakuru in the Republic of Kenya, is registered as proprietor of all that piece of land containing 0.7956 hectare or thereabouts, known as Gilgil/Gilgil Block 1/3843, situate in the district of Naivasha, and whereas the High Court at Nakuru in civil suit No. 489 of 2016, has issued a decree, and whereas all efforts made to compel the registered proprietor to surrender the land title deed issued in respect of the said piece of land to the land registrar for cancellation have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provide no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with registration of the said instrument of transfer and issue a land title deed to Joseph Kimani Gitau, and upon such registration the land title deed issued earlier to the said Paul Gitahi Mwaura, shall be deemed to be cancelled and of no effect.

Dated the 6th April, 2018.

S. W. MUCHEMI,

MR/4183024

Land Registrar, Naivasha District.

GAZETTE NOTICE No. 3214

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENTS

WHEREAS (1) Rhodah Kwamboka Ogaro (ID/5793250) and (2) Douglas Oroko Nyaribo (ID/22774413), are registered as proprietors of all those piece of land known as Ngong/Ngong/92379 and Ngong/Ngong/92378, situate in the district of Kajiado, and whereas the adjudication records show that the said pieces of land belong to Phineas Ashfor Miriti (ID/4719441), and whereas the land title deeds where fraudulently acquired, and whereas all efforts made to compel the registered proprietor to surrender the land title deeds issued in respect of the said pieces of land to the land registrar for cancellation have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provide no valid objection has been received within that period, I intend to dispense with the production of the said land title deeds and proceed with registration of the said instruments of transfer and issue land title deeds to the said Phineas Ashfor Miriti, and upon such registration the land title deed issued earlier to the said (1) Rhodah Kwamboka Ogaro and (2) Douglas Oroko Nyaribo, shall be deemed to be cancelled and of no effect.

Dated the 6th April, 2018.

M. I. BILLOW,

MR/4183142

Land Registrar, Kajiado North District.

GAZETTE NOTICE No. 3215

THE LAND ACT

(No. 6 of 2012)

CONSTRUCTION OF KATHEKAKAI—MACHAKOS ROAD

INTENTION TO ACQUIRE

IN PURSUANCE of sections 112 and 162 (2) of the Land Act, 2012, the National Land Commission on behalf of Kenya Urban Roads Authority (KURA) gives notice that the National Government intends to acquire the following parcel of land for the construction of Kathekakai—Machakos Road in Machakos County.

Plot No.	Registered Owner	Affected Area (Ha)
L.R. No. 7374/3		0.7972

Plans of the affected land may be inspected during office hours at the office of the National Land Commission, Ardhi House, 3rd Floor, Room No. 305, 1st Ngong Road, Nairobi.

Notice of inquiry will be published in the *Kenya Gazette* as per section 112 (1) of the Land Act.

Dated the 29th March, 2018.

MR/4183382

MUHAMMAD A. SWAZURI,
Chairman, National Land Commission.

GAZETTE NOTICE No. 3216

THE CONSTITUTION OF KENYA

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT

(No. 9 of 2011)

THE ELECTIONS ACT

(No. 24 of 2011)

THE ELECTIONS (GENERAL) REGULATIONS

(L.N. 128/2012 and L.N. 72/2012)

THE ELECTIONS (PARTY PRIMARIES AND PARTY LISTS) REGULATIONS, 2017

(L.N. 69)

AND

IN PURSUANCE TO THE COURT ORDER IN THE CHIEF MAGISTRATE COURT AT KISII, ELECTION PETITION NO. 8 OF 2017

NOMINATED MEMBERS OF THE COUNTY ASSEMBLY

CORRIGENDA

IN Gazette Notice No. 8380 of 2017, Vol. CXIX No. 124 published on 28th August, 2017, *delete* as specified below:

GAZETTE NOTICE No. 5263

THE LAND ACT
(No. 6 of 2012)

IMPROVEMENT TO BITUMEN STANDARD OF NAROMORU-MUNYU-KARISHEN ROAD PROJECT

IN PURSUANCE of section 162 (2) of the Land Act and section 6 (2) of the Land Acquisition Act (Cap. 295 Repealed) and further to Gazette Notice No. 6471 of 2017, the National Land Commission gives notice that the Government intends to delete, correct and add the following parcels of land listed below.

Deletion		
Plot No.	Registered Owner	Acquired Area (Ha.)
Nyeri/Naromoru/3363	Leah Wangeci Mubiya	0.0728
Nyeri/Naromoru/2698		0.0626
Corrigenda		
Plot No.	Registered Owner	Acquired Area (Ha.)
Nyeri/Naromoru/1901	John Karugia Mageria	0.068
Nyeri/Naromoru/1902	Peter Maina Muchiri	0.041
Addendum		
Plot No.	Registered Owner	Acquired Area (Ha.)
Nyeri/Naromoru/4591	Charles Muthee Gathanga	0.068

Plans of the affected land may be inspected during office hours at the office of the National Land Commission, Ardhi House, 3rd Floor, Room No. 305, 1st Ngong Road and Nyeri County Land Co-ordinator's Offices.

Dated the 20th April, 2018.

MUHAMMAD A. SWAZURI,
MR/4794544 Chairman, National Land Commission.

GAZETTE NOTICE No. 5264

THE LAND ACT
(No. 6 of 2012)

CONSTRUCTION OF KATHEKAKAI-MACHAKOS ROAD
PROJECT
INQUIRY

IN PURSUANCE of the Land Act, 2012, part VII and further to Gazette Notice No. 3215 of 2018, the National Land Commission intends to hear claims to compensation by people interested in the land to be acquired to be held at Ardhi House, Board Room, 26th June, 2018 at 9.30 a.m.

Plot No.	Registered Owner	Affected Area (Ha.)
L.R. No. 7374/3	Muambi Properties Limited	0.7972

Every person interested in the affected land is required to deliver to the National Land Commission on or before the day of the inquiry, a

written claim to compensation, a copy of identity card (ID), personal identification number (PIN), land ownership documents and bank account details. Commission offices are in Ardhi House, 1st Ngong Avenue, 3rd Floor, Room 305.

Dated the 17th May, 2018.

MUHAMMAD A. SWAZURI,
MR/4794544 Chairman, National Land Commission.

GAZETTE NOTICE No. 5265

THE LAND ACT
(No. 6 of 2012)

KARIMENU II DAM WATER SUPPLY PROJECT
INTENTION TO ACQUIRE LAND

IN PURSUANCE of sections 107 and 112 of the Land Act and further to Gazette Notice No. 3970 of 2018, the Government intends to make the following changes:

Addendum Schedule

Plot No.	Registered Owner/s	Area Acquired (Ha.)
Chania/Kanyoni/2537	Njeri Kimemia	0.212
Chania/Kanyoni/3206	Samuel Muiruri Mungai	0.101
Chania/Kanyoni/2772	Peter Ndegwa Mwangi	0.101
Chania/Kanyoni/2733	St. John Catholic Church	0.101
Chania/Kanyoni/2958	John Githeru Mwangi	0.86
Chania/Kanyoni/2957	Patrick Githeru	0.86
Chania/Kanyoni/2726	Joseph Ndungu Mutugu and Pius Ndungu Mutugu	0.101
Chania/Kanyoni/731	Jacinta Wanjiku Njaruba	0.42
Chania/Kanyoni/967	Jacinta Wanjiku Njaruba	0.2428
Chania/Kanyoni/2539	Njeri Kimemia	0.212
Chania/Ngorongo/3872	Simeon Watari Kanya	1.174
Chania/Ngorongo/1216	Dominic Macharia Kariuki	1.19
Chania/Ngorongo/737	Munene Gicheha	4.492
Chania/Ngorongo/1239	Teresia Wambui/Jacinta Njeri Kinuthia/Dominic Ndungu Nganga/ Stephen Kiama Nganga/ John Njoroge Nganga	1.96

Corrigendum Affected Area

Plot No.	Registered Owners	Area Acquired (Ha.)
Chania/Kanyoni/729	Wambui Kariuki	2.4

Plans of the affected land may be inspected during office hours at the office of the National Land Commission, Ardhi House, 3rd Floor, Room No. 305, 1st Ngong Avenue, Nairobi and Athi Water Services Board office at Upper Hill, Africa-Re Centre, 3rd Floor along Hospital Road, Nairobi.

Dated the 28th May, 2018.

MUHAMMAD A. SWAZURI,
MR/4794998 Chairman, National Land Commission.

GAZETTE NOTICE No. 5266

THE LAND ACT
(No. 6 of 2012)

DUALLING OF MOMBASA-MARIAKANI (A109) ROAD PROJECT

INQUIRY

IN PURSUANCE of section 162 (2) of the Land Act, 2012, and further to Gazette Notices No. 9343 of 2015, 1388, 1389 of 2017, and 176 of 2018. The National Land Commission intends to acquire additional parcels of land on behalf of Kenya National Highways Authority for the dualling of Mombasa-Mariakani (A109) Road (A109). Inquiries for hearing of claims to compensation by people interested in the land to be acquired shall be held on the dates and places shown here below.

SCHEDULE

Delete

Plot No.	Registered Owner	Area to Acquire (Ha)
MN/V/3623	—	0.2177
Mombasa Island Parcel No. 139	Aipa Makande Cathedral Church	0.0432

APPENDIX III



OFFICE OF THE VICE CHAIR

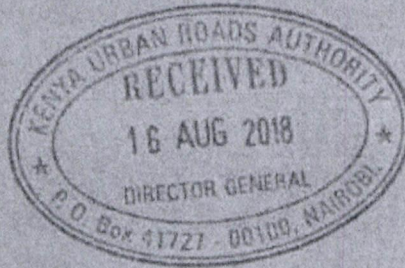
Telegrams: "MINILANDS", Nairobi
Telephone: Nairobi 2718050
When replying please quote

*DD Survey
pls deal.*

ARDHI HOUSE
NGONG ROAD
P.O. Box 44417
NAIROBI

*Jan
17/8/18*

Ref: NLC/VAL 1444(5)



15th August 2018

Director General
Kenya Urban Roads Authority
P.O. Box 41727-00100
NAIROBI

*Est
pls deal
AR 21/8/18*

**LAND ACQUISITION FOR KATHEKAI-MACHAKOS ROAD PROJECT -
PLOT NO. L.R. 7374/3**

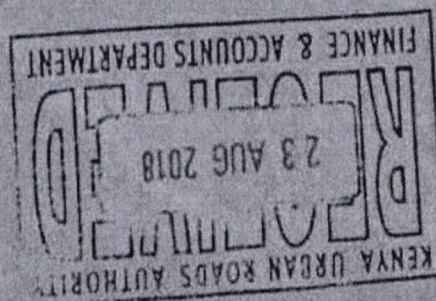
The Commission carried out inspections vide Gazette Notice No. 3215 of 6th April 2018 and Inquiries vide Gazette Notice No. 5264 of 31st May 2018 for compulsory land acquisition upon parcel No. 7374/3. Find attached herewith the compensation tabulation of the affected portion of land.

Kindly make arrangements to deposit **Kshs.52,632,588/=** to enable us pay the affected persons identified in the compensation schedule to the National Land Commission bank account whose details are as hereunder:

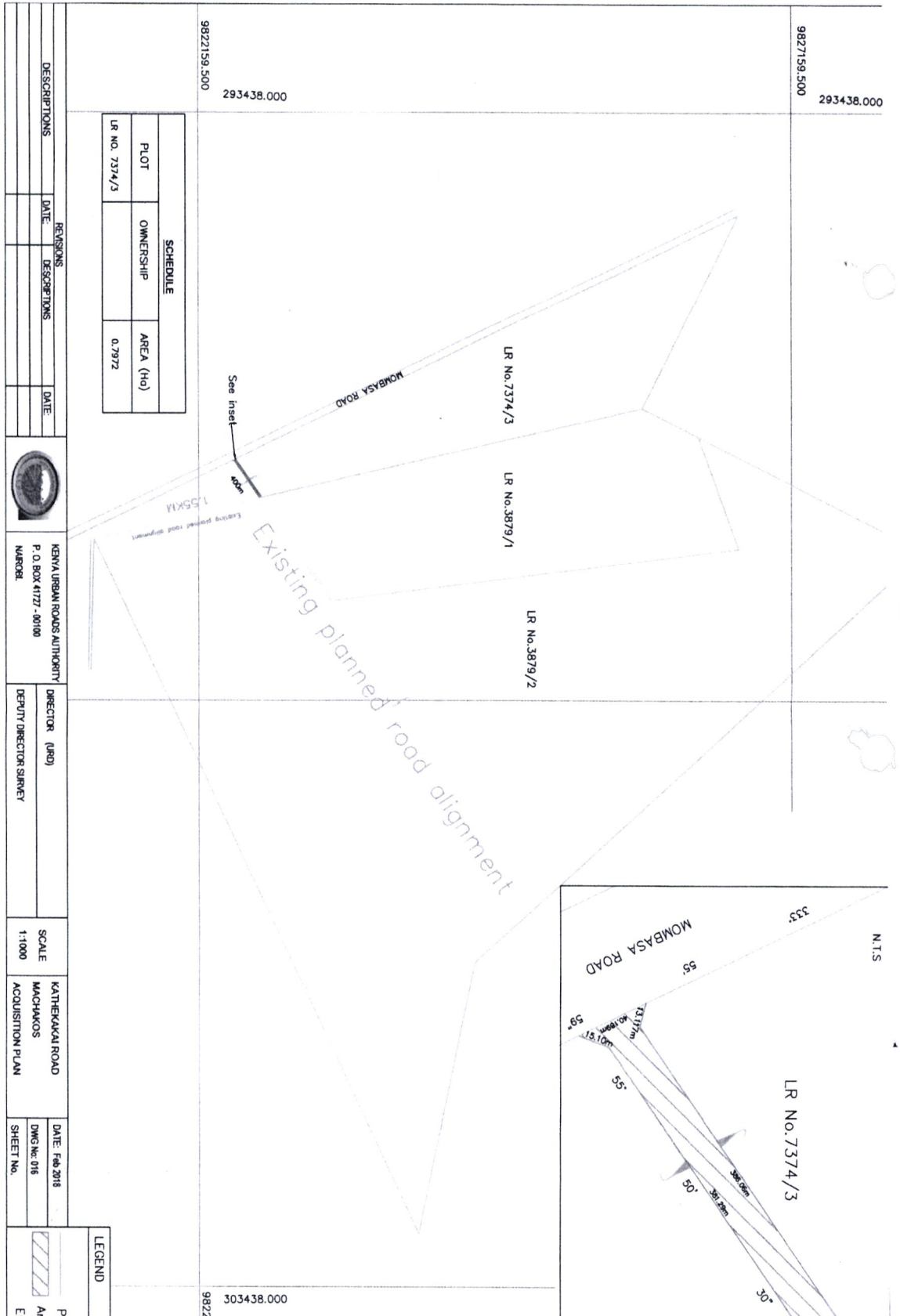
Account Name	:	National Land Commission
Bank	:	National Bank
Branch	:	Upper Hill
Account Number	:	01001032980000
Bank Code	:	12004

Your prompt action will enable the Commission to disburse the payments on time in accordance with the constitutional provision on promptness of just compensation.

Abigael Mbagaya-Mukolwe (Mrs.)
VICE CHAIR
FOR: CHAIRMAN



APPENDIX IV



DESCRIPTIONS	REVISIONS	DATE	DESCRIPTIONS	DATE

SCHEDULE		
LOT	OWNERSHIP	AREA (Ha)
LR NO. 7374/3		0.7972



KENYA URBAN ROADS AUTHORITY
P. O. BOX 41777 - 00100
NAIROBI

DIRECTOR (URD)
DEPUTY DIRECTOR SURVEY

SCALE
1:1000

KATHERAKAI ROAD
MACHAKOS
ACQUISITION PLAN

DATE: Feb 2018
DWG No: 016
SHEET No.

LEGEND	
P1	Plot
A	Area
Ex	Existing

9822159.500

9822

293438.000

303438.000

9827159.500

293438.000

LR No. 7374/3

LR No. 3879/1

LR No. 3879/2

LR No. 7374/3

MOMBASA ROAD

Existing planned road alignment

See inset

1:5000

Existing planned road segment

N.T.S

333'

55'

59'

50'

50'

59'

55'

55'

36.20m

36.20m

36.20m

36.20m

36.20m

36.20m

36.20m

36.20m

36.20m

36.20m



KENYA URBAN ROADS AUTHORITY
Efficient and safe urban roads

IKM PLACE, Bishops Road, Tel: 254-020-8013844
Email: info@kura.go.ke Web: www.kura.go.ke
P.O. Box 41727-00100, GPO, NAIROBI

REF: KURA/URPD/SUR/2VOL.2 (56)

Date: 17th February, 2020

Deputy Director, Urban Roads Coordinator
Regional Office - Lower Eastern
P.O Box 2605 - 90100
MACHAKOS

Dear Sir,

RE: ROUTINE MAINTENANCE OF LOT 17 (KATUMANI-VOTA-KONZA ROAD.)

Reference is made to your letter ref: KURA/LE/ADMN/1/Vol. III (1) dated 31st January, 2020

Upon establishing that the project road transverses private land LR No. 7374/3, a Compulsory land acquisition process was initiated to acquire the affected portion of land measuring approximately 0.7972Ha between chainage 0+000 and 0+400 off Mombasa road (**Appendix I**).

Notice of intention to acquire was published via gazette notice No. 3215 dated March 29, 2018 and Gazette Notice of inquiry No. 5264 dated 17th May, 2018 were issued accordingly (**appendix II**).

This is therefore to advise you to work on the available space as we look on the way forward.

Yours faithfully,

Eng. S. M. Kinoti
Ag. DIRECTOR GENERAL

CC: DIRECTOR - RACM

PKG-(SLS)

DD (S)

D (URP&D)

15



KENYA URBAN ROADS AUTHORITY

Efficient and safe urban roads

FINANCE AND ACCOUNTS DEPARTMENT

MEMORANDUM

To : Director (URD)
From : Ag. Director -Corporate Services
Date : 27th August, 2018
Ref : KURA/F&A/FIN/4/VOL. 3/74

① ~~DD - Survey~~
pls deal.

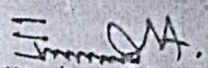
Jun
28/8/18

RE: LAND ACQUISITION FOR KATHEKAKAI-MACHAKOS ROAD PROJECT -
PLOT NO. LR. 7374/3

Reference is made to memo Ref. KURA/D&C/SURV/3VOL.3 (22) dated 23rd August, 2018 on the above subject.

This is to inform you that the above referred project has not been in any of our project lists for either RMLF projects or development projects including the planned projects under the three (3) year rolling Medium Term Expenditure Framework (MTEF). Towards this end kindly provide further details on the land acquisition, approval and source of funding towards payment for the acquisition.

② Kihle
Plse liaise with eng.
Mugo and respond
28/8/18


Reuben Mayienda
Ag. DIRECTOR - CORPORATE SERVICES



KENYA URBAN ROADS AUTHORITY
Efficient and safe urban roads
DESIGN AND CONSTRUCTION

(Handwritten initials)

MEMORANDUM

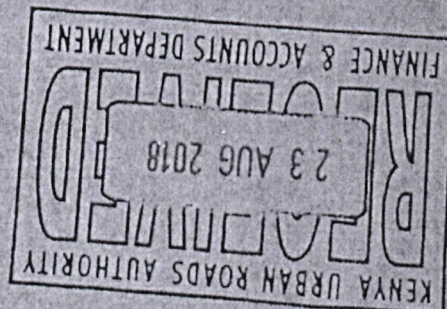
TO : Director (CS)
FROM : Director (URD)
DATE : 23rd August, 2018
REF : KURA/D&C/SURV/3 Vol. 3(22)

RE: LAND ACQUISITION FOR KATHEKAKAI-MACHAKOS ROAD PROJECT- PLOT NO. I.R.
7374/3

Refer to the letter from National Land Commission Ref: NLC/VAL 1446(5) of 15th August, 2018 on above subject.

Forwarded herewith please find Compensation schedule amounting to Ksh.52,632,588.00 (Kenya Shillings Fifty two million six hundred and thirty two thousand, five hundred and eighty eight only) for Kathekakai-Machakos road project for your necessary action.

(Signature)
Eng. J. M. Mwatu, OGW
DIRECTOR (URD)



APPENDIX V



KENYA URBAN ROADS AUTHORITY

Efficient and safe urban roads

1KM PLACE, Bishops Road, Tel: 254-020-8013844

Email: info@kura.go.ke Web:www.kura.go.ke

P.O. Box 41727-00100, GPO, NAIROBI

Ref: KURA/D&C/SUR/3 Vol 3(30)

Date: 5th October, 2018

The Chairman
National Land Commission
Ardhi House, 1st Ngong Avenue, Off Ngong Road
P.O Box 44417
NAIROBI

Dear Sir

**RE: LAND ACQUISITION FOR KATHEKAI – MACHAKOS ROAD PROJECT-
PLOT NO. LR 7374/3**

Reference is made to your letter Ref: NLC/VAL1444 (5) dated 15th August, 2018 on the above subject matter.

We have perused through the award schedule and wish to inform you that the amount award is far above our budget line for the project. The authority is in the process of identifying alternative road alignment.

We therefore request you to cancel the compulsory acquisition of property LR. No. 7374/3 and degazettement of the same done.

Yours faithfully,

Eng. S.M. Kinoti
Ag. DIRECTOR GENERAL

PKG- SLS

D (URPD)



KENYA URBAN ROADS AUTHORITY

Efficient and safe urban roads

URBAN ROADS DEVELOPMENT DEPARTMENT

TO : Director - Corporate Services
FROM : Director – Urban Road Development
DATE : 6th December, 2018
REF : KURA/URPD/SUR/3/ (14)

LAND ACT NO. OF 2012

KATHEKAKAI – MACHAKOS ROAD PROJECT –LAND ACQUISITION PROPERTY LR NO. 7374/3 - MACHAKOS

The above property was gazetted for compulsory acquisitions vide gazette notice no. 5264 of 31st May, 2018 by National Land Commission. Valuation was also done and an award of Kshs.52,000,000.00 was forwarded to Authority for payment. This figure was extremely high and not available within the current budget and a decision was made to identify an alternative alignment.

National Land Commission was notified and requested to issue degazettement vide our letter Ref: KURA/D&C/SUR/3Vol3.(30) (Copy attached). To facilitate the degazettement, the Commission forwards a Proforma Invoice No. PTG No. 0001063 18-19 amounting to Ksh.3,480.00 (Kenya Shillings Three Thousand Four Hundred and Eighty Only).

This is therefore to request you to avail the money for the commission to issue notice of degazettement.

Eng. J. M. Mwatu, OGW

DIRECTOR (URBAN ROADS DEVELOPMENT)



KENYA URBAN ROADS AUTHORITY

Efficient and safe urban transport



BRIEF ON KATUMANI-VOTA-KONZA ROAD

AUGUST, 2020

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1.3.	Maintenance History.....	3
1.4.	Planned Funding.....	3
1.5.	Implementation Status.....	3
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1.7.	Implementation Constraints	4
1.8.	Current Status.....	5

1.1. Background

Katumani-Vota-Konza road which is approximately 9 Km is located in Mua ward, in the outskirts of Machakos town, Machakos Town Constituency in Machakos County. The road serves as a key link road between Mombasa road and Wote road while also providing access to residential properties along the entire stretch of the road.

1.2. Classification

The road has been under the jurisdiction of Kenya Rural Roads Authority (KeRRA) for a number of years since the inception of the road agencies under the Roads Act of 2007. However, the road was vested to Kenya Urban Roads Authority (KURA) in the FY 2015/2016 upon reclassification of roads to align roads to the requirements of the new constitution of Kenya, 2010.

1.3. Maintenance History

KeRRA has been maintaining the road since 2010 through grading, gravelling and minor drainage works under Road Maintenance Levy Funds (RMLF) provided by Kenya Roads Board (KRB). Upon taking over the road, KURA continued the same maintenance activities until FY 2017/2018 where funds were allocated through the authority's Annual Road Work Programme (ARWP) for stage construction of the road to bitumen standards.

1.4. Planned Funding

The construction of the road was to be achieved in phases over 4 financial years commencing in FY 2017-2018. The planned and approved funding is as tabulated below;

S/No.	Financial Years	Amount Allocated (Ksh.)	Planned Length (Km)
1	2017/2018	90,000,142.80	3
2	2018/2019	52,362,817.60	2
3	2019/2020	60,316,805.36	2
4	2020/2021	45,355,628.80	2
	Total	248,035,394.56	

1.5. Implementation Status

Contracts have since been awarded spanning the FY 2017/2018 to 2019/2020 covering a length of approximately 6.5 Km. a summary of the awarded works are as tabulated below;

S/ No.	Financial Years	Budget (Ksh.)	Contract Sum (Ksh.)	Contractor	Status
1	2017/2018	90,000,142.80	80,702,360.00	Percom Enterprises Ltd	Complete
2	2018/2019	52,362,817.60	41,691,560.00	Bymet Building Company Limited	85%
3	2019/2020	60,316,805.36	48,725,362.68	Barckdo Enterprises Ltd	80%
4	2020/2021	45,355,628.80	N/A		Under procurement
	Total	248,035,394.56			

1.6. Scope of the Works

The works to be executed under the 3 contracts comprise mainly of but not limited to the following:

- Facilitation of the supervision staff
- Site clearance
- Carriageway grading and spot gravelling
- Earthworkstoformationlevelsincludingreprocessingexistingroadandtoppingupto achieve formation levelusing naturalgravelor suitable fill
- Construction of thepavementstructure along the existingalignmentas follows:
 - a) Laying of 150mmsub base naturalgravel
 - b) Laying of 150mm cement improved base gravel layer.
 - c) Laying double seal surface dressing on prepared surfaces
- Construction of pipe culverts and other drainage works.
- Protection works using stone pitching and gabions as necessary.
- Provision and installation of road furniture including road marking.
- Maintenance of the works during construction and 3 months Defect Liability Period.

1.7. Implementation Constraints

During implementation of the first phase in the FY 2017/2018 covering the first 3 Km from Mombasa road, corridor challenges arose for the section from the junction with Mombasa road to Km 0+400. The owner of land Parcel No.7374/3 claimed that the road illegally traverses through his land where there is no provision for a road reserve. Upon receiving the complaint, the regional office, Lower Eastern who are the project supervisors on behalf of KURA sought the intervention of the Authority management through the survey department to establish the authenticity of the claim in order to chart the way forward. The following were the findings and actions of the survey department;

- Upon establishing that the project road transverses private land LR No. 7374/3, a Compulsory land acquisition process was initiated to acquire the affected portion of land measuring approximately 0.7972Ha between chainage 0+000 and 0+400 off Mombasa road. See **Appendix I**.
- Notice of intention to acquire was published via gazette notice No. 3215 dated March 29, 2018 and Gazette Notice of inquiry No. 5264 dated 17th May, 2018 were issued accordingly. See **Appendix II**.

- Valuation was also done and an award of Kshs.52,632,588 was forwarded to Authority for payment. See **Appendix III**.
- The figure was extremely high and not available within the budget and a decision was made to identify an alternative alignment, measuring approximately 1.55km. See **Appendix IV**.
- National Land Commission was notified and requested to cancel the acquisition process that was initiated and issue a degazettement notice. See **Appendix V**.

1.8. Current Status

Due to the time constraints on the awarded contracts, a decision was made to skip the 400m section under contention and continue with the works as time was taken to resolve the missing link back to Mombasa road. To date, little progress has been made in resolving this challenge.

Appendix 1: Acquisition Plan

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY (THIRD SESSION)

DEPARTMENTAL COMMITTEE ON LANDS

PUBLIC PETITION REGARDING THE OBSTRUCTION OF TARMACKING OF THE KONZA-KATUMANI ROAD IN MUA WARD MACHAKOS IN MACHAKOS TOWN CONSTITUENCY

RESPONSE TO THE PETITION BY HARRISON KIKUVI MUAMBI AND MUAMBI PROPERTIES LIMITED WHO ARE MENTIONED AS INTERESTED PARTIES IN THE PETITION DATED 2ND MARCH 2020

WE, THE UNDERSIGNED, being adversely mentioned in the petition lodged before this Honorable House on 2.3.2020 respond to the petition as follows;

1. THAT the Petitioners have not disclosed the whole truth on matters surrounding the construction of Katheka Machakos Road as stated in their petition as will be demonstrated in this response to the petition.
2. THAT of utmost importance, the Petitioners have misrepresented the property in dispute as L.R No. 355/2 (see page 1 paragraph 6 and page 3 prayer 1 and ii of the petition)) and LR. No. 353/2 (see the petition at page 2 the second last paragraph at the bottom of the page).
3. THAT the interested parties state they do not own any property known as L.R 355/2 nor L.R 353/5 in the disputed portion. The two titles mentioned in the petition do not exist at all.
4. THAT the Petitioners have wrongly accused the interested parties from obstructing the unnamed contractor appointed by Kenya Urban Roads Authority (KURA) to construct the subject road across the Interested Parties to Mombasa Road.
5. THE interested parties state that the Petition is supported by casual and inadmissible hearsay evidence. The evidence in support of the Petition should have been corroborated by the contractor appointed by KURA, KURA, National Land Commission(NLC), Survey of Kenya, Ministry of Lands and the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works before being tabled in Parliament.
6. The interested parties are also wrongly accused of obstructing the construction of the subject road. The interested parties state that they have no capacity, and have never obstructed the Government from developing the said tarmac road. To the contrary, the construction of the road slowed down on account of lack of funds to the best of the interested parties' knowledge.
7. According to the Interested Parties, the truth of this matter is as follows;
 - a. Harrison Kikuvi Muambi (1st Interested Party) is a director of Muambi Properties Limited (2nd Interested Party), a limited liability company which was incorporated in 1985 (See **Exhibit 1 below**)
 - b. Muambi Properties limited purchased a property known as L.R No. 7374 /3 measuring about 884 acres from Katheka Kai Farmers Co-operative Society Limited (Katheka kai farmers) in 1992 and had the title transferred in the same year. (see **Exhibit 2 below**)

- c. From its deed plan, LR Number 7374/3 fronts Mombasa road on one side. The survey of that property was done in 1957. Title to the property was issued through a Certificate of Title Number I.R 14796 to the colonial settler known as Richard Percival in 1958. Katheka Kai Farmers purchased the property through a Loan given to the society by Co-operative Bank of Kenya in 1979 before transferring the same to Muambi Properties Limited in 1992.
- d. The whole land stretching from Mombasa road to Katumani area of Machakos County was one ranch holding several titles. . Katheka Kai Farmers started subdividing the parcels to its individual members in about year 1995 after settling most of its debt with the bank.
- e. As a matter of fact, the interested parties were the first individuals to settle in the area. The Petitioners have selectively avoided to table their titles before this committee for scrutiny. Had the Petitioners tabled their titles, it would be clear that they took possession of their subdivided title From Kathekai Farmers after 1995. The Petitioners by extension cannot have used the road for more than 30 years as alleged in the petition.
- f. At the time of Purchase of the said title, the land behind LR. 7374/3 was known as LR. No. 3879. LR. No. 3879 is a block measuring about 9,000 acres or so. In 1992 when the interested parties purchased L.R. 7374/3, LR No. 3879 was owned by Katheka Kai Farmers.
- g. It was during subdivision of L.R 3879 that public roads were created accessing the land given to shareholders of Kathekai. Since L.R 7374/3 was not the property of Katheka Kai Farmers in 1995 when subdivision of LR. 3879 took place, no public roads could have been created running across L.R 7374/3 on obvious legal reasons.
- h. A twelve (12) meter public road connecting Mombasa road to LR. No. 3879 was reserved during subdivision of LR. 3879 to allow holders of smaller titles emanating from LR 3879 and other parcels behind it. The said road reserve runs along the common boundary between LR. 3879 and L.R 7374/3 to Mombasa road. This reserve road runs parallel to Mombasa Road from the place the tarmac road of the new road stopped to the junction of Mombasa road with LR. No. 7374/3.
- i. The interested parties know as a matter of fact that the deed plan for this public road was surrendered to the Government after creation of the road.
- j. When construction of the road commenced, the 1st Interested Party was called by officers of Kenya Urban Road Authority (KURA) and requested to meet on site for inspection of the site.
- k. Upon arrival, the 1st Interested Party was informed by officers of KURA that the Government intended to acquire part of LR. No. 7374/3 measuring about 0.7972 (or about 2 acres) for purposes of constructing a public road. The portion was to cover a length of about 400m from his boundary to Mombasa road. KURA preferred to acquire that portion instead of constructing the proper reserved road measuring about 1.4 km in length. The reserved road is located along the boundary of his property.
- l. That officers of KURA acknowledged that there was no public road running across LR 7374/3 connecting the road under construction to Mombasa road. They also

- acknowledged that the construction of the road across LR 7374/3 measuring about 400m was more economical financially than the 1.4km official road running along the boundary of LR 7374/3 and the then 3879.
- m. KURA thanked the interested parties from allowing its contractor and members of the public use his land during construction of the tarmac road.
 - n. KURA offered to compulsorily acquire that portion of about 400m from the 2nd Interested Party during the meeting. The interested parties accepted to allow compulsory acquisition of their land in the spirit of good neighborliness.
 - o. After the meeting, KURA initiated the process of compulsory acquisition of the 400m portion of land from the 2nd Interested Party. KURA engaged NLC for that purpose as required by the Constitution.
 - p. Through Kenya Gazette Notice Number 5264 of 31.5.2018, the NLC requested members of the Public to make compensatory claims for acquisition of apportion measuring about 0.7972 that was to be hived off from LR No. 7374/3 (see **Exhibit 3**).
 - q. Through a valuation report dated 18.6.2018 authored by messr Keriasek & Co Ltd, the interested parties presented a claim to the National Land Commission for the sum of Kshs. 78,927,500/- for the said portion (see **Exhibit 4**).
 - r. After the normal process was completed, the NLC gave an award to the interested parties of Kshs. 52,632,888/- on 14.8.2018 (see **Exhibit 5**) which was accepted by the interested parties on 15.8.2018 marking the end of the process (see **Exhibit 6**).
 - s. The interested parties submit that there is no public road running across LR No. 7374/3 or any other property owned by the interested parties as alleged in the petition. To the best of their knowledge, the interested parties state that no public funds have been utilized to repair the said road as alleged by the Petitioners. The Petitioners have not produced any evidence in support of that averment.
 - t. Initially the road running across LR No. 7374/3 was an internal passage within the ranch utilized for driving animals for grazing, treatment and milking towards Mombasa road. When the 2nd Interested Party bought LR No. 7374/3, there was no road running across the land as alleged by the Petitioners. Since the whole ranch from Mombasa road to Katumani area of Machakos County was owned by Katheka Kai Farmers, and animals continued to use the passage during husbandry practices. Members of the public were not allowed to traverse through the passage during the tenure of the settler and before subdivision of LR. No. 3879 by Katheka Kai Farmers.
 - u. However, as a neighbor, the interested parties have allowed members of the public to access Mombasa Road through without any issues in the past. That good neighborly gesture should not be treated as a matter of right by the Petitioners who acquired their portions in mid-1990s after the official road was created by katheka kai farmers.
 - v. If indeed it is found out that the Government spent money maintaining that portion of 400m, then she should have used public funds to make a private road which is still not illegal even though irregular.
 - w. It cannot logically be argued that members of public can acquire a Public right over a private property without compensating the owner of that property as required by the Constitution.

- x. The 2nd Interested Party has not been paid for the compulsory acquisition of the said portion as required by the law. KURA has no jurisdiction to take anyone's property forcefully.
- y. The interested parties are not opposed to acquisition of the portion in question so long as they are adequately compensated for the same as required by the Constitution.
- z. Furthermore, the interested parties state that all record of all roads in Kenya are kept by Ministry of Transport. KURA and KERRA are departments within this ministry under the Roads Act 2007. These two bodies are the best placed to advise this Honourable house where the proper road lies.
- aa. The interested parties submit that the Government could not have been wrong in compulsorily acquiring a portion of LR No. 7374/3 to make the road. Under the circumstances, the only available option is to pay the amount awarded to the interested parties in order for the road to be acquired for public use.
- bb. Two important issues are worthy noting as far as the 400 m access road is concerned
 - i. Public roads must measure to particular standards. The current portion running across LR No. 7374/3 is very narrow. It measures about 5m in width. This portion does not meet the 12m width minimum standards required by KURA to develop the current road.
 - ii. Even if the said narrow portion was declared a public road though long use, still KURA will be forced to acquire more land along the existing path to expand the road to the required standards.
 - iii. This means that either way, the interested parties must be compensated for acquisition of their land at any event.
- cc. The interested parties submit that the petition is therefore prepared without proper foundation and evidence
- dd. It is important to note that the official public road running for about 1.4km along the common boundary of LR No. 7374/3 and LR. No. 3879 serves more Kenyans. This reserved road must be developed at some point since it is the official records of KURA. To construct the short cut may be a temporary cure for a long term problem. More Kenyans served by the official road will be blocked from enjoying the new tarmac road if the proper road is not developed.
- ee. Before any new development, public participation must be done. The Petitioners have not explained whether they have involved the owners of the properties served by the official public road before lodging their petition. Could be the majority favor construction of the proper road serving many people as opposed to a short road only serving the community far behind Mombasa road. Development should not be at the convenience of a few people but for the general good of the majority citizens.

THE CONSTITUTION AND THE LAW.

- 8. Article 40(2) of the Constitution protects property of any kind from being arbitrarily deprived from an individual through an Act of Parliament without compensation.
- 9. Article 40(3) demands that the state shall not deprive a person of their property without full and prompt compensation of that right.

10. On public land, Article 62 defines Public Land in general. Article 62(1) (h) of the Constitution defines public land to include all roads and thoroughfares provided for by an Act of Parliament. The Roads Act 2007 has given impetus to the road infrastructure in Kenya. That Act has clearly defined the different classes of public roads falling within Kenya. This Act is currently under review in a bill pending before this honorable house.
11. The National Land Commission (NLC) is established as an independent commission under Article 67 of the Constitution. One of the functions of the NLC under article 67(2)(a) is to manage public land on behalf of the national and county governments. This is important since, as we will argue below, the first place the petition should have been lodged is with the NLC.
12. Under Article 249(1) (b) of the Constitution, the NLC is an independent constitutional office. Under article 249(2) (b) independent commissions are not subject to direction or control by any person or authority.
13. With these provisions in mind, this honorable house passed two important legislations touching on land. These are:
 - i. THE NATIONAL LAND COMMISSION ACT 2012. This act reiterates the Constitution in the functions and powers of the NLC in section 5. Section 5(2)(a) of this Act gives NLC powers to alienate public land on behalf of, and with the consent of the government.
 - ii. THE LAND ACT 2012 was enacted for purposes of revising, consolidating and rationalizing land laws in Kenya among others. The Land Act gives an elaborate procedure to be followed in acquiring public land from private citizens. Section 143 gives NLC powers to create public right of way for the benefit of the public. Under section 145, a county government, an association, or any group of persons may make an application to the commission for a communal right of way in the anticipated by the Petitioners in this petition. Section 146 gives the step to be followed by NLC before creating the communal right of way. When NLC makes the determination to make a right of way after receiving an application, it is mandated to make full compensation (section 146(2)) and refer the matter to the Cabinet Secretary in charge of lands who in return makes his/her own independent decision on the matter. When satisfied that the application for creation of a right of way is necessary, the decision is published in the Kenya Gazette after which the registrar of lands create demarcations for the way after conducting survey. Section 148 is in tandem with article 40(3) of the Constitution. It requires adequate compensation for the acquisition.
14. These provisions are clear on the process to be followed. The Petitioners have not even attempted to follow the correct procedure before reverting to this honorable house as a last result.
15. To show malice, the Petitioners have not even requested this Honorable House to order compensation to the interested parties. They have not brought any evidence to support their pronouncements.
16. Clearly title to land can only be proved through a certificate issued by the Registrar of Titles (see section 26 of the Land Registration Act). No such document has been produced by the Petitioners. The photographs attached to the petition could have been taken anywhere in the world. Under the provisions of the Traffic Act, road signs are for purposes of informing motorists

and other road users of important aspects of the road as they travel. They cannot be used to show proof of validity of a road. Furthermore, no evidence has been tendered to show that the road sign attached to the Petition was erected by a lawful Government agency.

17. Finally, the Petitioners know the correct title held by the interested parties. The 5th Petitioner was charged with trespass upon private land and convicted in Criminal Case Number 1784 of 2012 in Machakos law courts. He was charged together with a group of 41 other individuals. (See Exhibit 7). The 5th Petitioner was accused number 24 in the charge sheet produced in court. The accused persons had attempted to take L.R No. 7374/3 by use of force. The Petitioners are therefore in a group of individuals attempting to use unconventional methods to defraud the 2nd Interested Party of its property. Recently, that group filed Environment and Land Case Number 84 of 2019 claiming ownership of this property (See Exhibit 8). This Petition is therefore made in bad faith with intentions to advance an ulterior motive.
18. To show that the Petitioners are strangers, they have wrongly defined the road project in the petition. The true name of the road project is Kathekai-Machakos Road project. The Petitioners have defined the project as Konza-Katumani Road Project in their petition. The failure to properly define the road project is a basic mistake. The Petitioners cannot justify misrepresenting the description of the title and the name of the road project in their petition to this Honorable House. This Honorable House must be treated with dignity by all Kenyans. Petitions filed before Parliament must be based on proper facts, evidence and the law. With limited time and huge volumes of work to navigate, Parliament should not be yoked with extra burden by citizens who seek its intervention.

CONCLUSION

19. The interested parties request the Petition to be dismissed for failure to mention the proper facts, the proper title to the disputed portion and to follow the right procedure.
20. The interested parties humbly request this Honorable House to recommend to the NLC and KURA to hasten compensation to the interested parties for the portion acquired out of LR No. 7374/3.
21. Otherwise the petition as drafted is without merit.

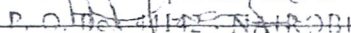
WE SO HUMBLY SUBMIT

Dated at Nairobi this 25 day of August 2020



HARRISON KIKUI MUAMBI

1ST INTERESTED PARTY

Muambi Properties Limited


MUAMBI PROPERTIES LIMITED

2ND INTERESTED PARTY.

DRAWN BY:

KIVUYA OMUGA & CO ADVOCATES,
REINSURANCE PLAZA, 1ST FLOOR, TAIFA ROAD,
P.O. BOX 26083 – 0010

NAIROBI.

Tel: 020 22 14 113 or 0707 11 63 38

Email: kivuvaadvocates@gmail.com or info@kivuvaadvocates.com

[Handwritten Signature]
BY: Registrar of Companies

of AUGUST One Thousand Nine Hundred and EIGHTY FIVE

Given under my hand at Nairobi this THIRTEENTH day

Company is LIMITED
is this day incorporated under the Companies Act (Cap. 486) and 1 at the

[Handwritten Signature]

25th AUGUST 2020

HAROLD MURRAY

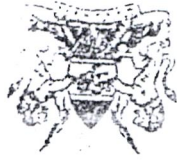
EXHIBIT 1

MANUAL PROPERTIES LIMITED

I hereby Certify,

CERTIFICATE OF INCORPORATION

No. C. 30158



[Handwritten Signature]

EXHIBIT 2
HAROLD K. MUMBAI
5th
20
August
CEO

Deeds
Notice

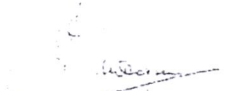
82/40 X 13 meters

COLONY AND PROTECTORATE OF KENYA
THE REGISTRATION OF TITLES ORDINANCE
(CHAPTER 160)

DATE OF TITLE: Number L.R. 14798
ANNUAL RENT: Shillings 88/40 (revisable)
TERM: 999 years from 1.2.1958

I HEREBY CERTIFY that RICHARD MARGIVAL of Post Office Machakos in the Colony of Kenya pursuant to a Transfer registered as Number L.R. 5114/1 is now the registered proprietor as Lessee from the Crown for the term of Nine hundred and ninety-nine years from the first day of February one thousand nine hundred and thirty-nine of ALL that piece of land situate South West of Machakos in the Machakos District containing by measurement Eight hundred and eighty-four acres or thereabouts and being Land Reference Number 7374/3 (original Number 7374/2/1) as delineated on Land Survey Plan Number 66530 annexed to the said transfer MUBACI however to the annual rent of Shillings Eighty-eight and cents forty (revisable) and to the Ordinances Special Conditions Encumbrances and other matters specified in the Memorandum hereunder written.

IN WITNESS whereof I have hereunto set my hand and seal this Seventeenth day of February One thousand nine hundred and fifty-eight.

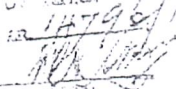

REGISTRAR OF TITLES.

MEMORANDUM

- (1) The Crown Lands Ordinance (Chapter 165);
- (2) The special Conditions contained in a Grant registered as Number L.R. 5114/1.

REGISTRATION
OFFICE

17/2/58
Graham

COLONY OF KENYA
L.R. 14798


2

Notification of change under the Agriculture Ordinance, 1955
Section 104(3)(a) by Board of Agriculture

P. P. K. LOCKYER
Registrar

(C.L.O. 1331)

Instrument No. 670 Date of Registration 23-10-61
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

Notification of Discharge of No. 2 above
(with other lands)

P. P. K. LOCKYER
Registrar

3

Instrument No. 77 Date of Registration 3-2-1962
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

31st May, 1963

Notification of discharge of No. 3 above
with other lands to S. 10 B/2
10-10-1963

P. P. K. LOCKYER
Registrar

(C.L.O. 1331)

4

Instrument No. 983 Date of Registration 26-11-63
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

change to THE LAND & AGRICULTURAL BANK OF KENYA

P. P. K. LOCKYER
Registrar

5
(IR 874)

Instrument No. 1023 Date of Registration 27-2-64
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

change to THE LAND & AGRICULTURAL BANK OF KENYA
Subject to No. 5 above

P. P. K. LOCKYER
Registrar

6
(IR 874)

Instrument No. 1024 Date of Registration 29-5-64
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

Grant of Notice of Call of Debentures

Notice of Discharge

Discharge of charge No. 6 above

P. P. K. LOCKYER
Registrar

7
(IR 1752)

8
(IR 874)

Instrument No. 607 Date of Registration 20-12-1959
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

Discharge of charge No. 6 above

P. P. K. LOCKYER
Registrar

9
(IR 874)

Instrument No. 663 Date of Registration 29-12-1959
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

Transferred to Kotheta Kaa Farmers
Co-operative Society Limited

P. P. K. LOCKYER
Registrar

10
(IR 874)

Instrument No. 612 Date of Registration 29-12-1959
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

P. P. K. LOCKYER
Registrar

Charter to The Co-operative Bank of Kenya Limited.

his/their

614 20-12-79
Discharge of No 11 Above.

720 16-8-89

Transfer to Mwangi Properties Limited.

111 2-12-92 Bull

Have a deed of gift of the land under Section 65(1)(f) of the Land Registration Act of Kenya 1982. Date of registration 2-12-92 Bull

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Caveat by the Registrar of Titles claiming an interest under Sec. 65(1)(f) of LRA (cap 281) Registered under Sec. 76 of the Land Registration Act of 2012.

Presented: - Date of Registration: 28-9-2016
S. C. Njorale*250
10.4.2018

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Withdrawal of caveat No 14 above.

Presented: 10-4-2018 Date of Registration: 10-4-2018
S. C. Njorale*250

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Withdrawal of caveat No 15 above.

Presented: 30-11-2018 Date of Registration: 30-11-2018
S. C. Njorale*294

COLONY & PROTECTORATE OF KENYA

DISTRICT OF MACHAKOS
 Locality S.W. of Machakos Township

Meridional District $\frac{\text{South A 37 5}}{1 \text{ III a}}$

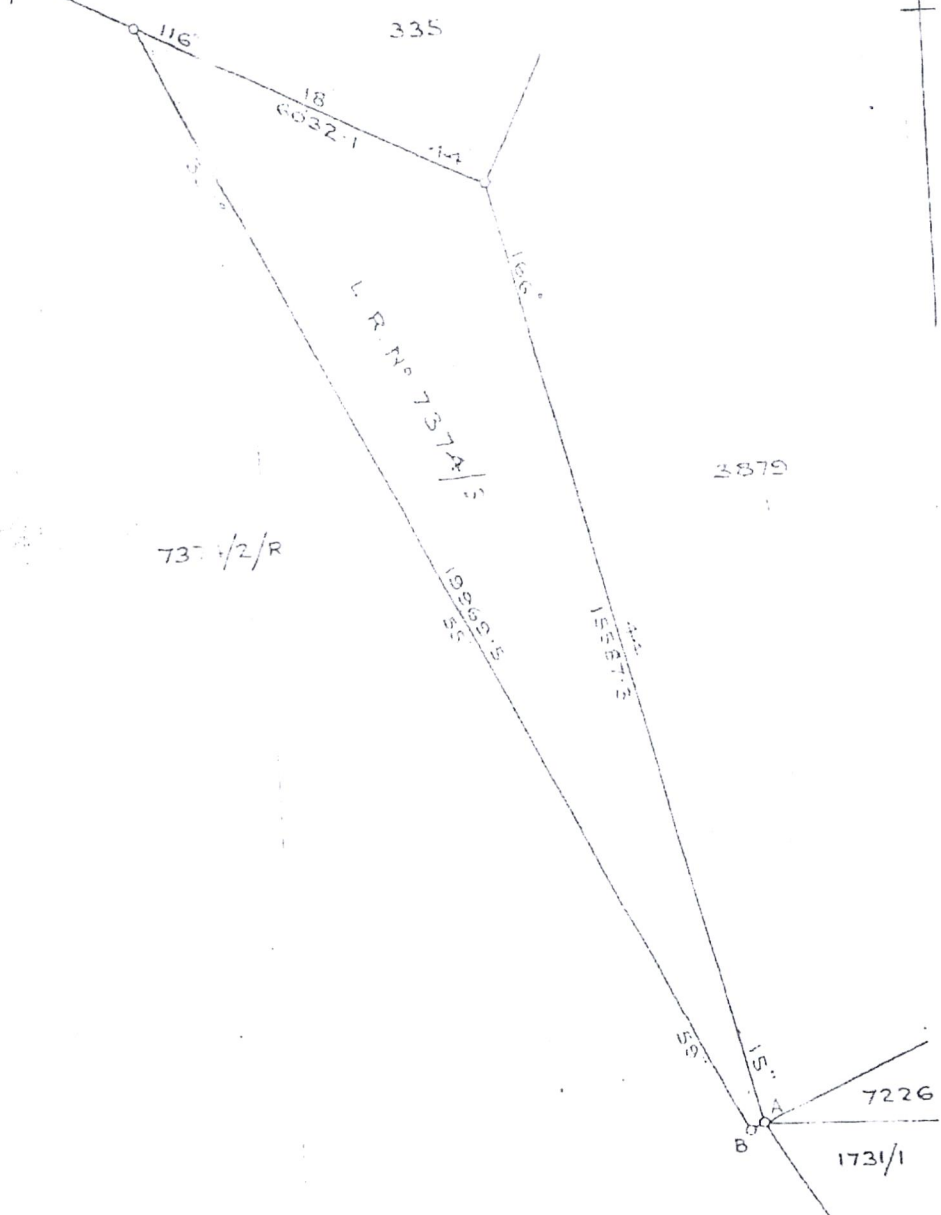
Scale: 1 in. 25,000 or 208333 feet to 1 inch

Land Reference No. 7374/3
 (Orig. No. 7374/2/1)

Subdivision No. ... (Orig. No. ...)
 of Section No.

Area = 884 Acres (Approx.)

A-B	Bearings		Distances feet
	1	2	
A-B	245	58	227.7



J.C. Coverdale & Partners
 Licensed Surveyors

W. ROLLAND

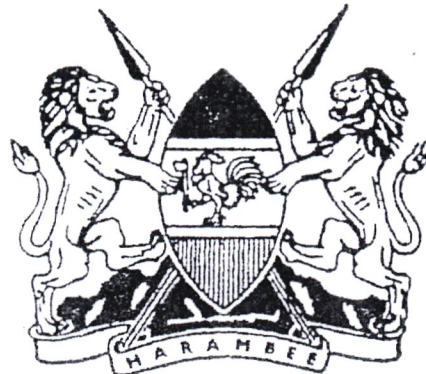
Director of Surveys
 Nairobi NOV. 16 1957

- 12 -

Please quote this PLAN No. 66820

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THE KENYA GAZETTE

Published by Authority of the Republic of Kenya
(Registered as a Newspaper at the G.P.O.)

Vol. CXX—No. 64

NAIROBI, 31st May, 2018

Price Sh. 60

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EXHIBIT 3

ALLISON & MYRMB!

August

20²¹

lll

GAZETTE NOTICE NO. 5263

THE LAND ACT
(No. 6 of 2012)

IMPROVEMENT TO BITUMEN STANDARD OF NAROMORU-MUNYU-KARISHEN ROAD PROJECT

IN PURSUANCE of section 16, (2) of the Land Acquisition Act (Gazette Notice No. 6471 of 2017) gives notice that the Government intends to delete, correct and add the following parcels of land listed below:

Delete			
Plot No.	Registered Owner	Acquired Area (Ha.)	
Nyeri/Naromoru/3363	Leah Wanjau	0.0728	
Nyeri/Naromoru/2698		0.0626	
Correct			
Plot No.	Registered Owner	Acquired Area (Ha.)	
Nyeri/Naromoru/1901	John Karug'uzi	0.068	
Nyeri/Naromoru/1902	Peter Maina	0.041	
Addition			
Plot No.	Registered Owner	Acquired Area (Ha.)	
Nyeri/Naromoru/4591	Charles Muthiga	0.065	

Plans of the affected land may be inspected during office hours at the office of the National Land Commission, Room No. 305, 1st Ngong Road, Nairobi and Nyeri County Land Commissioner's Offices.

Dated the 20th April, 2018
MR/4794544 MUHAMMAD A. SWAZURI, Chairman, National Land Commission.

GAZETTE NOTICE NO. 5254

THE LAND ACT
(No. 6 of 2012)

CONSTRUCTION OF KATHAKAL-MACHAKOS ROAD PROJECT
INQUIRY

IN PURSUANCE of the Land Acquisition Act, 2012, part VII and further to Gazette Notice No. 3215 of 2018, the National Land Commission intends to hear claims to compensation by people interested in the land to be acquired to be held at Ardhi House, Board Room, 26th June, 2018 at 9.30 a.m.

Plot No.	Registered Owner	Affected Area (Ha.)
L.R. No. 7374/3	Muambi Properties Limited	0.7972

Every person interested in the affected land is required to deliver to the National Land Commission on or before the day of the inquiry, a

written claim to compensation, a copy of identity card (ID), personal identification number (PIN), land ownership documents and bank account details. Commission offices are in Ardhi House, 1st Ngong Avenue, 3rd Floor, Room 305.

Dated the 17th May, 2018.
MR/4794544 MUHAMMAD A. SWAZURI, Chairman, National Land Commission.

GAZETTE NOTICE NO. 5265

THE LAND ACT
(No. 6 of 2012)

KARIMENU II DAM WATER SUPPLY PROJECT

INTENTION TO ACQUIRE LAND

IN PURSUANCE of sections 107 and 112 of the Land Act and further to Gazette Notice No. 3970 of 2018, the Government intends to make the following changes:

Addendum Schedule

Plot No.	Registered Owner's	Area Acquired (Ha.)
Chania/Kanyoni/2537	Njeri Kimemia	0.212
Chania/Kanyoni/3206	Samuel Mairuri Mungai	0.101
Chania/Kanyoni/2772	Peter Ndegwa Mwangi	0.101
Chania/Kanyoni/2735	St. John Catholic Church	0.101
Chania/Kanyoni/2958	John Githeri Mwangi	0.86
Chania/Kanyoni/2957	Patrick Githeri	0.86
Chania/Kanyoni/2729	Joseph Ndungu Mutugu and Pius Ndungu Mutugu	0.101
Chania/Kanyoni/731	Jacinta Wanjiku Njaraba	0.42
Chania/Kanyoni/967	Jacinta Wanjiku Njaraba	0.2428
Chania/Kanyoni/2539	Njeri Kimemia	0.212
Chania/Ngorongor/3872	Simeon Watari Kanya	1.174
Chania/Ngorongor/1216	Dominic Macharia Karari	1.19
Chania/Ngorongor/737	Munene Gicheha	4.892
Chania/Ngorongor/1239	Teresia Wambui/Jacinta Njeri Kinuthia/Dominic Ndungu Nganga/ Stephen Kiama Nganga/ John Njoroge Nganga	1.96

Corrigendum Affected Area

Plot No.	Registered Owners	Area Acquired (Ha.)
Chania/Kanyoni/729	Wambui Kariuki	2.4

Plans of the affected land may be inspected during office hours at the office of the National Land Commission, Ardhi House, 3rd Floor, Room No. 305, 1st Ngong Avenue, Nairobi and Athi Water Services Board office at Upper Hill, Africa-Re Centre, 3rd Floor along Hospital Road, Nairobi.

Dated the 28th May, 2018
MR/4794998 MUHAMMAD A. SWAZURI, Chairman, National Land Commission.

GAZETTE NOTICE NO. 5266

THE LAND ACT
(No. 6 of 2012)

DUALLING OF MOMBASA-MARIKANI (A109) ROAD PROJECT

INQUIRY

IN PURSUANCE of section 162 (2) of the Land Act, 2012, and further to Gazette Notices No. 9343 of 2015, 1388, 1389 of 2017, and 176 of 2018. The National Land Commission intends to acquire additional parcels of land on behalf of Kenya National Highways Authority for the (A109) Road (A109). Inquiries for hearing of claims to compensation by people interested in the land to be acquired shall be held on the dates and places shown here below:

SCHEDULE

Delete

Plot No.	Registered Owner	Area to Acquire (Ha.)
----------	------------------	-----------------------

-14-



KERIESEK & CO LTD

VALUATION SURVEYORS

&

REAL ESTATE AGENTS

ASSOCIATE:

DR. J. A. KERIESEK
B.A. LANDECON (HONS), F.A.
PRACTICING CERT. (IGERTON)
B.A. LANDECON NAIROBI
B.A. LANDECON N.G.
M.A. (V.F.M.)
VALUATION AND ESTATE SURVEYOR
REGISTERED AND PRACTISING VALUER

C. E. MWANGI
B.A. LANDECON (HONS), NRB
M.U.L.A., M.L.S.K.
REGISTERED VALUER

W.J. MUKHONGO
B.A. (LANDECON) HONS., M.S.C.
M.L.S.K.
REGISTERED AND PRACTISING VALUER

Email: info@kerisek.com
kerisek12@gmail.com
kerisek@yahoo.com
Website: www.kerisek.com

OFFICES:
NAIROBI
KTDA Plaza
6th Floor
P.O. Box 73744-00200
Phone: 2242182/2228328
0735-842480

KERICHO
Makori Building
P.O. Box 1882
Phone: 0722-877878

NAKURU
Sel & Barnett Hse.
1st Floor
P.O. Box
Phone: 0723-339744

ELDORET
Hughes Building
P.O. Box 6508
Phone: 0734-851006

18TH JUNE 2018

Date: _____

VALUATION SURVEY REPORT FOR COMPULSORY ACQUISITION COMPENSATION CLAIM FOR PART PROPERTY L.R. NO. 7374 / 3, MOMBASA ROAD, MACHAKOS COUNTY:

PREAMBLE:

This claim is directed to the acquiring authority, namely, the Kenya Government. It is purportedly for the construction of Kathekakai-Machakos Road Project and has been effected under the Land Acquisition Act No. 6 of 2012, vide Kenya Gazette Notice No. 5264, dated 31ST May 2018.

DATE OF PHYSICAL INSPECTION / SURVEY: 2ND JUNE 2018

PROPRIETOR: MUAMBI PROPERTIES LIMITED

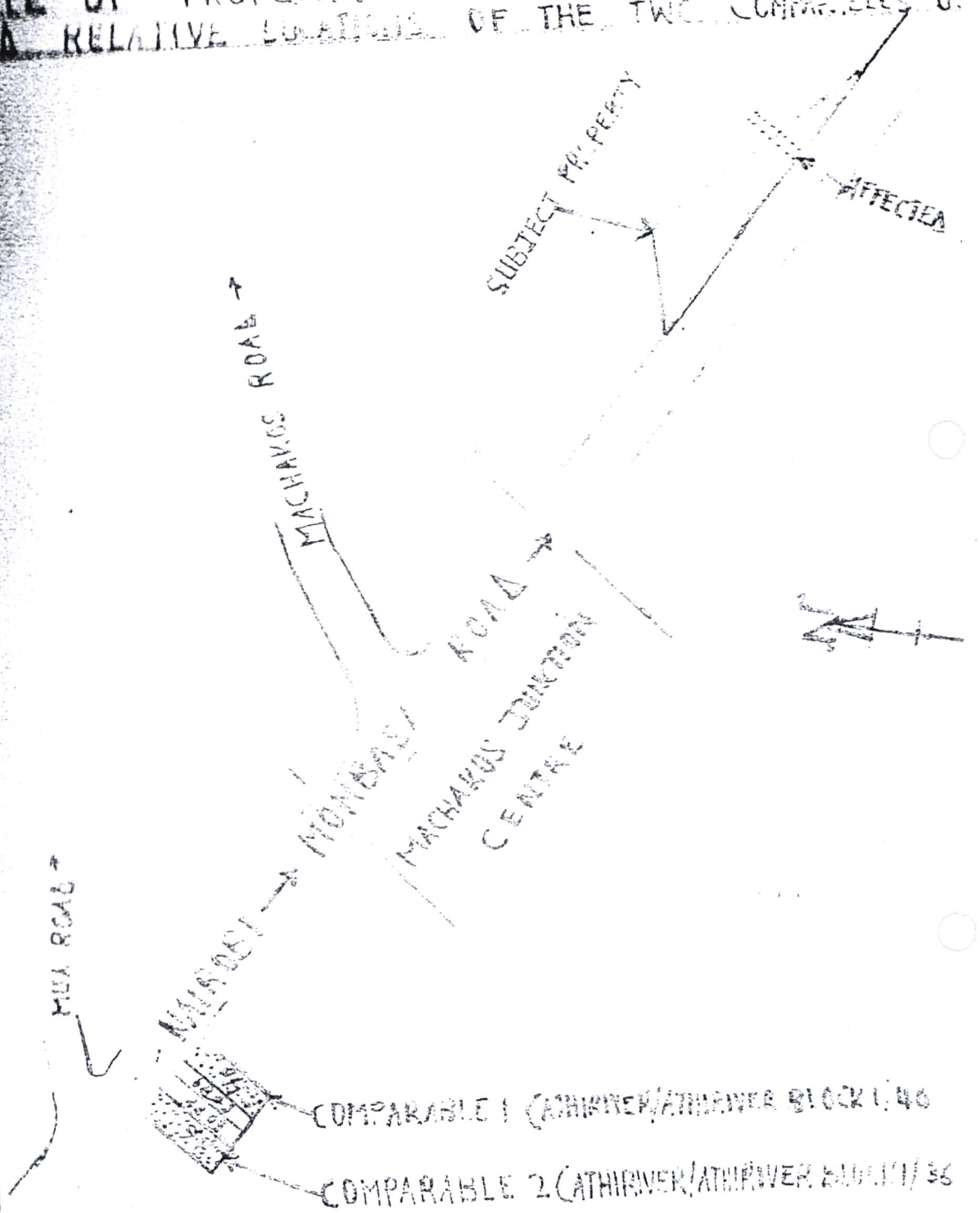
SIZE OF LAND ACQUIRED: 0.7972 Ha OR 2 acres, approximately.

USER OF LAND AFFECTED: Ranch.

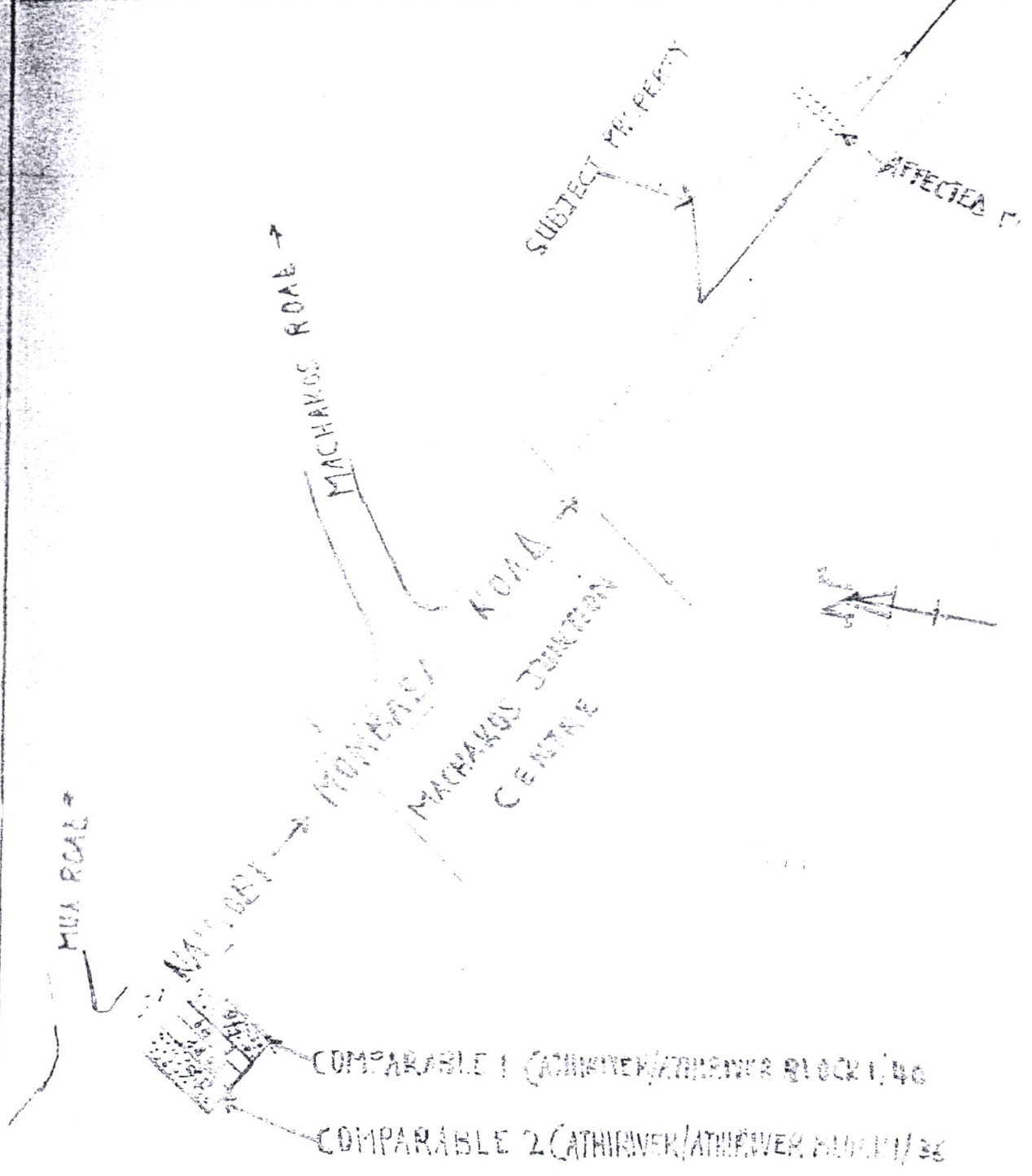
SITUATION/ACCESS: The subject property is located on one's left along Nairobi-Mombasa road at some 2.5km after Machakos Junction centre. (A route map to the property, its location and site is attached herewith for ease of locational reference).

Handwritten notes:
HARRISON K. MURRAY
Arguing
25th
20
cell

LOCATIONAL SKETCH MAP SHOWING ROUTE AND
SITE OF PROPERTY LR NO 7374/3 MOMBASA ROAD
AND RELATIVE LOCATIONS OF THE TWO COMPARABLES US



INDICATIONAL SKETCH MAP SHOWING ROUTE AND
 SITE OF PROPERTY LR NO 7374/3 MOMBASA ROAD
 AND RELATIVE LOCATIONS OF THE TWO COMPARABLES



L.R. NO. 7374 / 3, MOMBASA ROAD, MACHAKOS COUNTY,
CONTINUED AND SEALED:

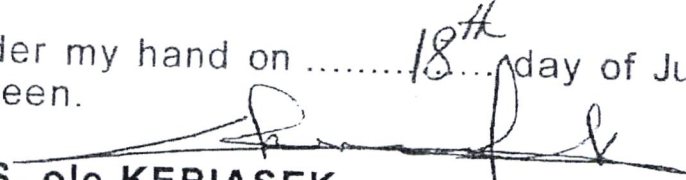
VALUATION SUMMARY:

(i)	VALUE OF LAND:	Kshs. 60,000,000/=
(ii)	VALUE OF IMPROVEMENTS:	Kshs. <u>450,000/=</u>
	Total:	Kshs. <u>60,450,000/=</u>
(iii)	ADD 15% STATUTORY: Sub Sec.4 in the interim):	Kshs. 9,067,500/=
(iv)	ADD severance (L.A Act CAP. 295 Sub Sec. 2d in the interim). The acquisition bisects the property into two portions hence need for a tunnel to facilitate movement of cattle from one portion to the other. Allow:	Kshs. 6,000,000/=
(v)	ADD injurious affection (L.A. Act. CAP.295 Sub Sec. 2 (c) in the interim). For the remaining reduced land which is now less economical considering that the acquired portion is touching Mombasa road. Allow:	Kshs. <u>3,000,000/=</u>

GRAND TOTAL CLAIM: Kshs. 78,517,500/=

Road, Kenya shillings seventy eight million five hundred and
seventeen thousand five hundred only).

Signed and sealed under my hand on^{18th} day of June
two thousand and eighteen.


 Dr. S. ole KERIASEK
 B.A. LAND ECON. (HONS) E.A.
 P-G AGRI CERT. EGERTON.
 M.A. LAND DEV. NAIROBI.
 Ph. D. LAND ECON. N.U.
 M.I.S.K. (V.E.M.S.) & R.E.A.
VALUATION AND ESTATE SURVEYOR
REGISTERED AND PRACTISING VALUER.

NB: Attached herewith is:-

An appraisal route, locational and site sketch map
showing the subject property for ease of reference (including
the location of the sales comparables).

**L.R. NO. 7374 / 3, MOMBASA ROAD, MACHAKOS COUNTY,
CONTINUED AND SEALED:**

VALUATION OF LAND AND OVERRIDING VALUE FACTORS:

On the basis of the above particulars appertaining to the advantageous location of the subject property **vis-a-vis** its commercial status and generally taking into account the fast growing/developing neighbourhood aforementioned extending from Nairobi city with equally increasing residential population, leading to high demand for land, the **bona fide value index** for similar/comparable land within the vicinity is taken at Kshs. 30m per acre, *ceteris paribus*.

Thus, under the Land Acquisition Act, No. 6 of 2012, (and the Land Acquisition Act CAP. 295 Sch, Sub Sec 1 & 2 repealed but in the Interim), then 2 acres of land taken at an index of Kshs. 30m per acre, we adopt Kshs.60,000,000/=.

SUPPORTING LAND SURVEY SALES EVIDENCE WITHIN THE IMMEDIATE NEIGHBOURHOOD, i.e.

COMPARABLES:

- a). Government Awarded Property Title No. Athi River/Athi River Block 1(CHUMVI)/ 40 (2 acres approx.) in size at Kshs. 80m averaging at Kshs 40m per acre in January 2018. This comparable is situated at 1km before Machakos Junction township along Mombasa road and at only 3.5km away from the subject property. Our benchmark of Kshs. 30m per acre today is therefore quite fair considering a distance of 3.5km only from our comparables further towards Konza city along Mombasa road. (Copy of the award is attached herewith).
- b). Government Awarded Property Title No. Athi River/Athi River Block 1(CHUMVI)/ 36 (2 acres approx.) in size at Kshs. 80m averaging at Kshs 40m per acre in January 2018. This comparable is situated at 1km before Machakos Junction township along Mombasa road and at only 3.5km away from the subject property. Our benchmark of Kshs. 30m per acre today is therefore quite fair considering a distance of 3.5km only from our comparables further towards Konza city along Mombasa road. (Copy of the award is attached herewith).

IMPROVEMENTS:

5 strands of barbed wire fencing onto cedar posts at 3.5 C/C 400m long.

Kshs. 450,000/=

L.R. NO. 7374 / 3, MOMBASA ROAD, MACHAKOS COUNTY,
CONTINUED AND SEALED:

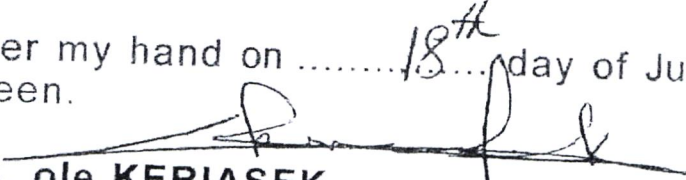
VALUATION SUMMARY:

(i) VALUE OF LAND:	Kshs. 60,000,000/=
(ii) VALUE OF IMPROVEMENTS:	Kshs. <u>450,000/=</u>
Total:	Kshs. <u>60,450,000/=</u>
(iii) ADD 15% STATUTORY: Sub Sec.4 in the interim):	Kshs. 9,067,500/=
(iv) ADD severance (L.A Act CAP. 295 Sub Sec. 2d in the interim). The acquisition bisects the property into two portions hence need for a tunnel to facilitate movement of cattle from one portion to the other. Allow:	Kshs. 6,000,000/=
(v) ADD injurious affection (L.A. Act. CAP.295 Sub Sec. 2 C in the interim). For the remaining reduced land which is now less economical considering that the acquired portion is touching Mombasa road. Allow:	Kshs. <u>3,000,000/=</u>

GRAND TOTAL CLAIM: Kshs. 78,517,500/=

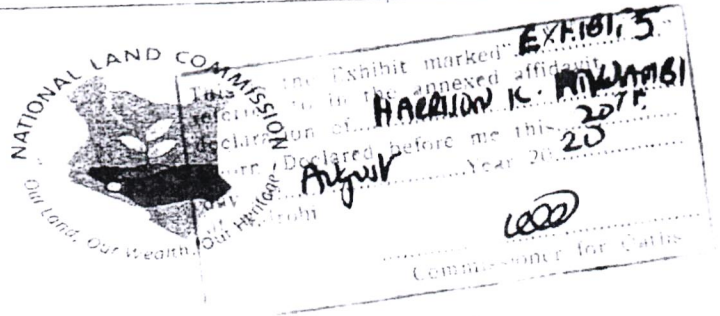
Road, Kenya shillings seventy eight million five hundred and
seventeen thousand five hundred only).

Signed and sealed under my hand on18th... day of June
two thousand and eighteen.


 Dr. S. ole KERIASEK
 B.A. LAND ECON. (HONS) E.A.
 P-G AGRI CERT. EGERTON.
 M.A. LAND DEV. NAIROBI.
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 M.I.S.K. (V.E.M.S.) & R.E.A.
VALUATION AND ESTATE SURVEYOR
REGISTERED AND PRACTISING VALUER.

NB: Attached herewith is:-

An appraisal route, locational and site sketch map
showing the subject property for ease of reference (including
the location of the sales comparables).



NLC/VAL.1555

Mr./Mrs./Ms. MUAMBI PROPERTIES LIMITED

THE LAND ACT, 2012 (PART VIII)

PROJECT NAME: KATHIEKAKAI - MACHAKOS ROAD PROJECT

GAZETTE NOTICE NO: 3215 OF 6TH APRIL 2018 AND 5264 OF 31ST MAY 2018

Parcel No. LR NO. 78/14/13 (PART/WHOLE)

AWARD

IN PURSUANCE OF SECTION 113 (1) of The Land Act, 2012, having concluded the inquiry relating to the acquisition of the land described in Kenya Gazette Notices above, THE COMMISSION HEREBY AWARDS you the sum of Kshs 52,632,588 F (words Kenya Shilling fifty two million eight hundred thirty two thousand five hundred and eighty eight only) in respect of your interest in the land and improvements acquired for the above project

The Commission hereby gives the following particulars relating to the acquisition:-

- a) The area of land to be acquired is 0.7972 Ha approximately
- b) The total value of land in my opinion is Ksh 45,307,268 F
- c) The total value of improvements in my opinion is Ksh 460,200 F
- d) The total compensation payable for land and improvements inclusive of 15% disturbance allowance and any other applicable statutory additions (if any) is Ksh 45,767,468 F
- e) The compensation HEREBY AWARDED is payable to the following persons interested in the land:
Pay Muambi Properties Limited
Kshs 52,632,588 F

Please complete the Indemnity Clause overleaf, attached Statement and Electronic Funds Transfer Forms and submit to the Commission within 14 days of receipt.

DATED this 24th day of August 2018

JOASH OINDO
 DIRECTORATE OF VALUATION & TAXATION
 FOR: CHAIRMAN, NATIONAL LAND COMMISSION

Received by: H.K. MUA

Id: 7812969

Tel: 072251180

Sign: H.K. MUA



INDEMNITY CLAUSE

1. The Payee hereby gives unequivocal undertaking to indemnify and hold harmless the National Land Commission and its Directors, officers, employees and agents, from and against all allegations, claims, actions, suits, demands, damages, liabilities, obligations, losses, settlements, judgments, costs and expenses (including without limitation advocates' fees and costs) which arise out of, relate to or result from payment in error occasioned by non-disclosure of material facts by the Payee.

2. The Payee hereby covenants that there are no pending legal claims, civil or criminal, in relation to the suit property and gives unequivocal undertaking to indemnify and hold harmless the National Land Commission and its Directors, officers, employees and agents, from and against all allegations, claims, actions, suits, demands, damages, liabilities, obligations, losses, settlements, judgments, costs and expenses (including without limitation advocates' fees and costs) which arise out of, relate to or result from payment in error arising from any judgment or decree arising from any civil or criminal proceedings against the Payee.

3. The Payee hereby covenants that there are no other encumbrances against the title other than those as appear in the register, hereby gives unequivocal undertaking to indemnify and hold harmless the National Land Commission and its Directors, officers, employees and agents, from and against all allegations, claims, actions, suits, demands, damages, liabilities, obligations, losses, settlements, judgments, costs and expenses (including without limitation advocates' fees and costs) which arise out of, relate to or result from payment in error arising from any encumbrances other than those appearing in the title.

SIGNED by the said Payee:

MUAMBI PROPERTIES LTD

[Handwritten Signature]

In the Presence of -

SOLOMON K. KIYUVA

[Handwritten Signature]
 CHIEF REGISTRAR
 P.O. BOX 2608 NAIROBI

EXHIBIT 6
HARRISON K. MUAMBI
25th
20
AUGUST

(20)



Telegrams "MINILANDS", Nairobi
Telephone: Nairobi 118050
When replying please quote

ARDHI HOUSE
1st FLOOR
OFF NGONG ROAD
P.O. BOX 44417
NAIROBI

VAL.1555

THE LAND ACT 2012 (PART VIII)

PROJECT: KATHEKAKAI – MACHAKOS ROAD PROJECT

GAZETTE NOTICES NOS: 3215 OF 6TH APRIL 2018 AND 5264 OF 31ST MAY 2018

STATEMENT

I/We MUAMBI PROPERTIES LTD

ID NO. 712969 - HARRISON KIKUYI MUAMBI

Owner(s) of Parcel No. 7374/3
acknowledge receipt of the stated award.

A. I accept the award and request the compensation due to me be paid into my bank account as per the details attached.

Date: 15/8/2018 Signed: [Signature]
Claimant

B. I do not accept the award and I intend to appeal against it in the Environment and Land Court in accordance with Section 128 of the Land Act, 2012.

Date: Signed:
Claimant

POLICE 5
OB NO 40/28/12/012

KENYA POLICE
CHARGE SHEET

POLICE CASE NO: PCR /125-165 /12
DATE TO COURT 31/12/012

COURT FILE NO. 1784/12

Christian Names in full or Name. AS PER ATTACHED LIST		identity certificate N/A	Sex F M	nationality tribe KAMBAS	Apparent age ADULTS	Address (include District/location KATHEKAKAI VILLAGE
CHARGE	TRESPASS UPON A PRIVATE LAND CONTRARY TO SECTION 3[1] AS READ WITH SECTION 11 OF THE TRESPASS ACT CAP 294 LAWS OF KENYA.					
PARTICULARS OF OFFENCE (See Second Schedule of C.P.C.)	AS PER ATTACHED LIST; On the 28 th day of December 2012 at Theke ranch in Machakos county within Eastern Province, trespassed upon a private land parcel NO.7374/3 of Muambi properties limited without the authority of the said owner.					
If Accused Arrested	Date of Arrest	Without or With Warrant	Date Apprehension Report to Court	Bond or Bail and Amount	Is application made for summons to issue	
YES	28.12.012	W/O	31/12/012	FREE BOND	NIL	
Remanded or Adjourned to						
Complainant and Address	WEBSTER MWEAMA MUAMBI C/O KYUMBI LOCATION					
Witnesses	1. WEBSTER MUAMBI 2. KASYOKA PHILIP 3. S.SGT KIBOI 4. CPL LUMISIA 5. CPL SHAPII		<p>This is the Exhibit marked EXHIBIT referred to in the annexed affidavit declaration of MARION K. MUAMBI sworn & declared before me this 25th day of August Year 2012</p> <p><i>(Signature)</i> Commissioner of Police</p>			
Sentence Court and date	CM'S COURT MACHAKOS ON ...31/12/012 if fine paid					

Exhibit marked ...
in the annexed affidavit
of ...
sworn & declared before me this ...
day of ... Year 20...

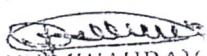
.....
Commissioner of Police

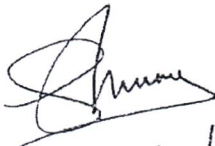
OFFICER IN CHARGE
(Signature)
Officer in charge machakos police station.

(Signature)
14/1/13

OB NO. 40/28/12/12

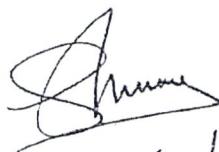
1. ANNE MUNYUA ~~ENNAST~~ MUNYUA MUNYUA
2. ANNE MUNEE MUTUKU
3. ESTHER NDUNGE JOHN
4. MONICAH WAMBUA
5. TERESIA MAITHIA
6. TABITHA MUTUA
7. MUTUKU NZIOKA
8. AMOS JAMES MUI
9. MUTISO NZOMO ROBERT
10. NZIOKA NTHAKYA
11. WAEMA KILONZO
12. AMOS MBUU MUYIMBI
13. RICHARD KASONO NGOSA
14. DANIEL MAINGI MAMUYA
15. MUSYOKA KYALO DOMINIC
16. KILONZO MUIA
17. MUTUA WAEMA
18. MUSEMBI MUTUA
19. TIMOTHY KANDE TERESIA
20. WAMBUA MAITHIA
21. WAMBUA NGOCIA
22. MAINGI KIOKO
23. DOMINIC MUSEMBI
24. PATRICK KIO MUYU
25. CHARLES MUSYOKA MUTUNGI
26. DOMINIC MUTUA MUNYAO
27. MULINGE JOHN
28. MULI MACKENZIE
29. NZIOKA JOHN
30. MAKAU MUINDI
31. MUTUKU MUTUA
32. MWEU JUMA
33. MAURICE MUTINDA
34. JOSEPH MAKAU
35. JOSPHAT KYALO
36. KIMUYU MUTUIGA
37. MUTUA JOHN
38. CHARLES MUTUKU
39. JAMES MUTISY KISENGE
40. CHARLES WAEIA
41. MUSEMBI JOHN
42. MAKAU MAKEZI


 (JOHN MWAURA) C/O
 O.C.S MACHAKOS


 14/11/13

1. ANNE MUNYUA ~~ANNA FT~~ MUNINI MUNYUA
2. ANNE MUNEE MUTUKU
3. ESTHER NDUNGE JOHN
4. MONICAH WAMBUA
5. TERESIA MAITHI
6. TABITHA MUTUA
7. MUTUKU NZIOKA
8. AMOS JAMES MUIBI
9. MUTISO NZOMO ROBERT
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19. TIMOTHY KANI TERESIA
20. WAMBUA MAITHIYA
21. WAMBUA NGOGISA
22. MAINGI KIOKO
23. DOMINIC MUSEMBI
24. PATRICK KIIO MUYU
25. CHARLES MUSYOKA MUTUNGI
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30. MAKAU MUINDI
31. MUTUKU MUTIYO
32. MWEU JUMA
33. MAURICE MUTIIDA
34. JOSEPH MAKAU
35. JOSPHAT KYALO
36. KIMUYU MUTUIGA
37. MUTUA JOHN
38. CHARLES MUTUKU
39. JAMES MUTISYI KISENGE
40. CHARLES WAEMBA
41. MUSEMBI JOHN
42. MAKAU MACKENZIE

(JOHN MWAURA) C
O.C.S MACHAKOS



14/1/13