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of the Departmental Committee

THE NATIONAL ASSEMBLY

14 June 2017  
Departmental Committee  
on Lands  
14/6/2017 (pm)

ELEVENTH PARLIAMENT – FIFTH SESSION

THE DEPARTMENTAL COMMITTEE ON LANDS

THE REPORT ON LAND LR NO. MN/VI/1128-1132 AND LR NO. 3666 IN MOMBASA  
COUNTY

CLERK'S CHAMBERS,  
DIRECTORATE OF COMMITTEE SERVICES,  
KENYA NATIONAL ASSEMBLY,  
PARLIAMENT BUILDINGS,  
NAIROBI.

JUNE, 2017

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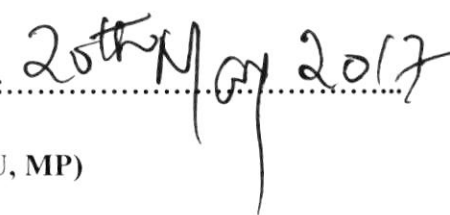
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**CHAIRMAN’S FOREWORD**

The matter under consideration was brought to the attention of the Committee by the Member of Parliament for Kinango Constituency, Hon. Gonzi Rai, M. P. The Hon. Rai presented his concern regarding a land dispute in Miritini, Jomvu Constituency in Mombasa County, and to support the claims the member tabled various documents.

Pursuant to provisions of Standing Order 216 (5), the Committee resolved to conduct an investigation into the matter and report to the House as provided for by Standing Order 199(6). The Committee consequently undertook a fact finding visit to Jomvu Constituency on Thursday 2<sup>nd</sup> June, 2016, and collected views of the residents of Jomvu Constituency as recorded in this report.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition. On behalf of the Committee, and pursuant to Standing Order, 227 it is my duty to table on the Floor of the House the Report of the Committee on the inquiry.

SIGNED:  ..... DATE:  .....

(HON. ALEX M. MWIRU, MP)  
CHAIRPERSON  
DEPARTMENTAL COMMITTEE ON LANDS

## **EXECUTIVE SUMMARY**

The purpose of this report is to present the findings of an investigation into the ownership issues surrounding Plot LR No. MN/VI/1128-1132, as brought to the attention of the Committee by the Member of Parliament for Kinango Constituency, Hon. Gonzi Rai.

The Committee commenced investigations by holding sittings with various stakeholders and institutions within the Precincts of Parliament. Among those consulted were the Cabinet Secretary in charge of Land and Physical Planning and the Chairperson of the National Land Commission. The Committee in addition undertook an inspection trip to the said area in Miritini with a view to appraising itself with the matters on the ground. Following the investigations, the committee is of the opinion that the said land is claimed by several companies and persons.

## **MANDATE OF THE COMMITTEE**

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:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments;
- b) Study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to them by the House;
- f) Vet and report on all appointments where the Constitution or any Law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
- g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The Committee is mandated to Consider the following subjects: -

- a) Land Policy,
- b) Physical Planning,
- c) Land Transactions,
- d) Survey and Mapping,
- e) Land Adjudication,
- f) Settlement,
- g) Land registration,
- h) Land Valuation,
- i) Administration of Private, community and Public Land,
- j) Land Information and Management System.

## **Oversight**

In executing its Mandate, The Committee oversees the following Government Departments, Namely: -

- i. The Ministry of Lands and physical Planning
- ii. The National Lands Commission.

## Members of the Committee

<b>Chairperson</b>	Hon. Alex Mwiru, M.P.
<b>Vice Chairperson</b>	Hon. Moses Ole Sakuda, M.P.
	Hon. Mutava Musyimi, M.P.
	Hon. John Kihagi, M.P.
	Hon. Francis W. Nderitu, M.P.
	Hon. Kipruto Moi, M.P.
	Hon. Hellen Chepkwony, M.P.
	Hon. Sarah Korere, M.P.
	Hon. Benson Mbai, M.P.
	Hon. Suleiman Dori, M.P.
	Hon. George Oner, M.P.
	Hon. Mathew L. Lempurkel, M.P.
	Hon. Shakila Abdallah, M.P.
	Hon. Dr. Paul Otuoma, M.P.
	Hon. Thomas Mwadeghu, M.P.
	Hon. Joseph Magwanga, M.P.
	Hon. Ali Shariff Athman, M.P.
	Hon. Francis Njenga, M.P.
	Hon. Hezron Awiti Bollo, M.P.
	Hon. Benard Bett, M.P.
	Hon. Esther Murugi, M.P.
	Hon. Omar Mwinyi, M.P.
	Hon. Onesmus Ngunjiri, M.P.
	Hon. Julius Ndegwa, M.P.
	Hon. Patrick Kingola, M.P.
	Hon. Kanini Kega, M.P.
	Hon. Eusilah Ngeny, M.P.
	Hon. Charles Nyamai, M.P.

### Secretariat

Clerk Assistant I	Mr. James Ginono
Clerk Assistant III	Mr. Joshua Ondari
Clerk Assistant III	Mr. Emmanuel Muyodi
Principal Researcher	Mr. Kefa Omoti

## List of Recommendations

Based on the Observations, Investigations, evidence adduced and submission made, the Committee made the following recommendations.

1. THAT, Plot LR. No. MN/VI/3666 was not available for allocation to Awale Transporters Limited, since it belonged to the Rwandese Government and the Government of Kenya through the relevant State Agencies must ensure that the sanctity of the title deed for the Plot No. MN/VI/3666 title is upheld and help in enforcing the High Court ruling.
2. The Director of Criminal Investigation Department, Ethics and Anti-Corruption Commission investigates the purported amalgamation and subdivision of plot LR. Nos. MN/VI/1128-1132 to create Plot LR. No. MN/VI/4055 and the subdivision of Plot LR. Nos. MN/VI/8017-8042 and allocation to Rwandese government with a view to prosecute all government officials and private citizens involved in the scam;
3. The Director of Public Prosecution investigates and prosecute those found to have been involved in approving, facilitating and creating Plot No. MN/VI/4055 and Plot LR. No. MN/VI/3666 in favour of Awale Transporters Limited.

## 1.0 BACKGROUND

1. The Parcels of land MN/VI/1128-1132 Miritini, are located in Mombasa County at Changamwe / Miritini area also known as Mainland North.
2. The acreages for all the 5 plots were as follows; MN/VI/1128 - 20.2 acres, MN/VI/1129 - 20.1 acres, MN/VI/1130 -20.1 acres, MN/VI/1131 - 20.1 acres and MN/VI/1132 - 38.9 acres.
3. The history of the above parcels of land dates back to the beginning of the 20<sup>th</sup> century when the colonial government allocated the said land to the Jeevanjee family who included Teherali, Mansavuli, Asgarali, Fakhrudi and Ebrahim all of whom held the land as tenants in common with equal shares.
4. The parcels were later sold to Mehta Sons (Africa) Limited, who in 1973, submitted applications to sell the land to Mr. Suleiman Abdulrehman for \$7,500 but the transaction did not materialize since the land had been identified for compulsory acquisition.
5. The government of Kenya acquired parcel Nos. MN/VI/1128-1132 under the Land Acquisition Act, 1965 vide Gazette Notice No.248 dated 18<sup>th</sup> January 1974 for future development.
6. Some of the acquired parcels of land having been left unused for decades, attracted squatters some are still squatting in the Land to date.
7. The squatters occupying parcel Nos. MN/VI/1128-1132 applied for and obtained letters of allotment dated 10<sup>th</sup> January 2000 for the 5 pieces of land.
8. On 27<sup>th</sup> of August 2012, the Town Clerk of Mombasa wrote to the five i.e Mr. Samuel Charo Kazungu, Mr. James Ndoro, Mr. Andrew K. Kirongo, Mr. Joseph Marwa and Mr. David Gatoka, confirming that the Letters of Allotment were genuine and that the Mombasa Municipal Council had no adverse comments for the said allocations, since it had no current urban development.
9. With their letters of allotment, the 5 local squatters approached Bamboo Twist Ltd, which had been working on the neighboring lands at that time to purchase the parcels from them.
10. The squatters claimed that since obtaining their letters of allotment in 2000 they had been unable to process titles because they could not raise and or afford the needed Government stand premiums.
11. Bamboo Twist Ltd accepted to pay the Government Stand premiums for the 5 squatters as part of the purchase deal and purchased the parcels via sale agreements (attached) all executed on 10<sup>th</sup> May 2013.
12. On 26<sup>th</sup> January 2013 vide CR NO. 59131 at Mombasa land registry parcel Nos. MN/VI/1128-1132 were amalgamated to form MN/VI/4055, measuring approximately 66.345 Hectares and registered in favor of Awale Transporters. The land was leased for 99 years with effect from 1<sup>st</sup> July 1995.
13. The plot LR. No. MN/VI/4055, is alleged to have been allocated by the Commissioner of land vide allotment letter ref 84015/II dated 12<sup>th</sup> July 1995 referring to un-surveyed industrial plot number 'A' Miritini purportedly signed by Mbogori M.K. The allocation is

- apparently a forgery.
14. Awale Transporters proceeded to subdivide MN/VI/4055 into 30 portions from LR/MN/8012 - LR/VI/8042.
  15. MN/VI/8017 and MN/VI/8022 were surrendered to the Government of Kenya by Awale Transporters Limited in consideration of a new Grant in respect of CR. MN/VI/3666 registered unto the Rwandese Government.
  16. The two plots were allegedly amalgamated to create Plot No. MN/VI/5132, which was subsequently allocated to the Rwandese Government.
  17. The Rwandese Government allegedly surrendered Plot No. MN/VI/3666 to the Government of Kenya in consideration of the Plot No. MN/VI/5132 from Awale Transporters.
  18. In October 2013, a company of lawyers, A Kasmani & Company Advocates wrote to to the National Lands Commission (NLC) complaining on behalf of their client's parcels of land, which was supposedly being encroached upon by LR.NO.MN/VI/4055.
  19. The said clients included Pentagon Communications Ltd, Corbell Enterprises Ltd and Butler Estates Ltd. The complainants intimated that Plot 4055/MN/VI, allegedly owned by Awale Transporters had somehow overlapped or encroached onto several plots, namely MN/VI/3638, MN/VI/3640, MN/VI/3667 and MN/VI/3668. The complainants also hinted that Awale was planning to subdivide LR, NO.4055 that would affect their properties if allowed.
  20. The NLC further received information that the land, which had been allocated to the Rwandese Embassy, had been grabbed and a replacement was needed. The said land was mentioned as LR.NO.MN/VI/3666 which was being occupied by Awale Transporters
  21. In December 2014, the Chief Executive Officer for the NLC requested the Director of Surveys to provide information on parcels MN/VI/1128 - MN/VI/1132. The report was received in which there was confirmation that the allocation and documents of the said parcels of Land belonged to Bamboo Twist.
  22. On 7<sup>th</sup> May 2012, Salad Awale filed a Petition No.48 of 2012 at the High Court in Mombasa against the Provincial Police Officer Coast and others, in which he sought among other orders:
    - a. A declaration that the Respondents decision to evict him and demolish developments on Plot Number LR MN/VI/3666 situated in Miritini before lawful acquisition and compensation was unconstitutional;
    - b. And a mandatory injunction prohibiting and restraining the respondents from interfering, evicting or demolishing the Petitioners developments on Plot No.LR MN/VI/3666.
  23. In its judgment, the High Court noted that:
    - a. The title documents produced by the Petitioner were upon crosschecking with the Commissioner of Lands were forgeries;
    - b. The Petitioners title attached showed an area of 10.67 hectares whereas the Deed Plan relied upon showed an area of 12.88 hectares;
    - c. There was also no evidence of the consideration of Kshs 1,040,000/= nor

evidence of payment of Stamp Duty;

- d. Further that the grant to the Government of the Republic of Rwanda was at a Peppercorn Rent (if demanded) and it had paid over Kshs 6,104,490.80 by way of rates to the Municipal Council of Mombasa.

24. The High Court found that:

- a. The suit land belonged to the Government of the Republic of Rwanda;
- b. That vide orders dated 25<sup>th</sup> May 2012, the Petitioner had been restrained from carrying out any further developments thereon in any manner whatsoever pending the hearing of the application inter-parties;
- c. The Petitioner was thus ordered to vacate the suit land within sixty (60) days.

## 2.0 EVIDENCE PRESENTED BEFORE THE COMMITTEE

### 2.1 Evidence from Hon. Gonzi Rai, MP Member for Kinango Constituency

While appearing before the committee, the **Hon. Gonzi Rai, MP** informed the Committee as follows: -

1. In 1974, MN/VI/1128-1132 was compulsorily acquired by the Government of Kenya from Mehta Sons Ltd for future Urban Development.
2. In 1999/2000 the land was invaded by local squatters who were seeking allocation of the Land by the government, the Government which subsequently allocated the said land to five Locals;
3. In 2012, the five locals sold the land to Bamboo Twist Ltd, a company located at Mwamdudu land LR.MN/VI/4526, which neighbours MN/VI/1128-1132;
4. In 2013, Bamboo Twist Ltd was registered as the owner of MN/VI/1128 and 1129, while 1130 and 1131 were in process of transfer. However, in February 2013 the title deeds for MN/VI/1128-1131 were processed and issued to the four local persons who were allotted the land. Title for MN/VI/1132 has not been processed to date and is awaited by allotted local person and Bamboo Twist Ltd;
5. The squatters who were in occupation on the land plots MN/VI/1128-1132 were compensated approximately Ksh. 35M by Bamboo Twist Ltd.
6. Bamboo Twist Ltd took an undertaking with Mombasa County government to surrender portion of the land occupied by squatters who had built permanent houses;
7. On 7<sup>th</sup> November, 2014, the Principal Secretary for the Ministry of Lands through Mr. Ibarahim M. Hussein wrote a letter directing that the Kenyan government was donating a portion of plot MN/VI/1128 and 1129 to the Rwandese government which is owned by Bamboo Twist Ltd.
1. Gazette notice no. 2092 dated 24<sup>th</sup> February 2012 the Land allocated to the Rwandese Government is given as LR. No. MN/VI/3666 coincidentally that is the same plot in use by Awale Transporters limited where the company has constructed its offices, yard and is doing business.
2. The land LR. No. MN/VI/3666 was registered on 2<sup>nd</sup> December 1997 to Awale

- Transporters and also the title deed belonging to the Rwandese Government was also registered on 2<sup>nd</sup> December, 1997, which was the same day.
3. Bamboo Twist Ltd wrote a letter on 9<sup>th</sup> October 2014 to Mr. Abdulkadir Khalif a commissioner with the National Lands Commission who is apparently an interested party on the matter explaining how Bamboo Twist Ltd came to own the said land after which the National Land Commission cleared the said plot through a letter dated 19<sup>th</sup> February 2015;
  4. Awale Transporters Ltd produced a letter of allotment dated 12<sup>th</sup> July 1995 showing allocation of 66.4 Ha of land in Miritini area termed as plot A. The said letter was used to process a title for 66.4 hectares for a parcel numbered as MN/VI/4055 the parcel which was alleged to be a consolidation of Plot Nos. MN/VI/1128-1134 which are individual plots and have never been consolidated to date.
  5. A search at the Registrar of Companies (attached), Awale Transporters Ltd was registered on 15<sup>th</sup> September 1998 and an allotment letter was issued on 12<sup>th</sup> July, 1995 three years before registration;
  6. MN/VI/4055 is overlapping on Plot Nos. MN/VI/1128-1134, some of which were allotted in 1985 and processed with title deeds;
  7. Awale Transporters Ltd was the registered owner of Plot No. MN/VI/4055 a fact disputed by the Director of Survey in his report to the Cabinet Secretary dated 13<sup>th</sup> March, 2014;
  8. The Government through its agencies issued a letter of offer to the Rwandese government which resulted in the issuance of another title deed registered in 2015; the portion of land which was offered to Rwandese Government is clearly a portion of MN/VI/1128 and MN/VI/1129 and is owned by Bamboo Twist Ltd.
  9. The letter of offer/allotment to the Rwandese government mentions that the allotment is in - leau of MN/VI/3666 which was done without any explanation or justification as to why the original land allotted to the Rwandese government was owned by Awale Transporters Ltd;

## 2.2 Evidence from the Cabinet Secretary Ministry of Lands and Physical Planning

Prof. Jacob Kaimenyi, Cabinet Secretary Ministry of Lands and Physical Planning accompanied by Ms. Mariam El. Maawy, Principal Secretary, informed the Committee as follows: -

10. In 2000, **plot number MN/VI/1128** was registered as CR No. 59439 for a term of 99 years and on 18<sup>th</sup> November 2013 one Mr. Samuel Charo Kazungu transferred the same plot to Bamboo Twist Ltd. However, there are no documents supporting the title therefore a restriction (caveat) was placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
11. **Plot number MN/VI/1129** was allocated to Ms. Faitha Lina Wathome, Mr. Paul Maina and Mr. James Ngari all of P.O Box 30450, Nairobi vide letter of allotment Ref. 62860/19 of February 2,000. However, there was no title deed registered in favor of them in Mombasa registry. Coincidentally there were records showing that plot MN/VI/1129 was registered as CR 59437 in favor of Mr. James Ngoro for a term of 99 years with effect

from 1<sup>st</sup> January 2000. Nevertheless, there were no documents supporting the title and on 18<sup>th</sup> November, 2013 Mr. James Ngoro transferred the plot to Bamboo Twist Limited consequently a restriction was placed against the title under section 76 of the land registration act in order to prevent any other further dealings;

12. **Plot MN/VI/1130** is a double allocation for two allottees namely, Mssrs. Ruora Investment Ltd of P.O Box 59330 Nairobi vide letter of allotment no. 62860/19 dated 14<sup>th</sup> February 2000 and Mr. Andrew K. Kirongo of P.O Box 99948 Mombasa vide letter of allotment number 76474/VI dated 10<sup>th</sup> January 2000.
13. On 17<sup>th</sup> December 2014, plot MN/VI/1130 was registered as CR 64350 in favor of Mr. Andrew Kirongo. There has not been any further transaction on the parcel. However, a restriction (caveat) was place against the title under section 76 of the land registration act in order to prevent any other further dealings; further there is no title registered in favor of Mssrs. Ruora Investmnet Ltd in Mombasa registry despite the letter of allotment issued to them;
14. **Plot MN/VI/1131** was allocated to Mr. Joseph Marwa of P.O Box 96345 Mombasa vide letter of allotment Ref. 76474 dated 10<sup>th</sup> January 2000.
15. On 17<sup>th</sup> December 2014 plot MN/VI/1131 was registered as CR 64351 in favor of Mr. Joseph Marwa. There has not been any further transaction on the parcel, However, restriction (caveat) was placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
16. In 2000, **plot MN/VI/1132** was allocated to Mr. Abdalla Juma Ngozi and Mr. Badhili Elija Yaah of P.O Box 93016 Mombasa vide letter of allotment no. 62864/22 dated 14<sup>th</sup> February 2000. However, there is no title registered in favor of Mr. Abdalla Juma Ngozi and Mr. Badhili Elija Yaah;
17. **Plot MN/VI/4055** was surveyed in November 1997 and measured 0.9463 Ha as reflected on survey map no. F/R281/97, this land is about 7.5 KM east of Miritini railway station. However, this map F/R289/97 had been superseded by survey map F/R410/139;
18. **Plot MN/VI/4055** was allocated to Mssrs. Awale Transporters Ltd by the Commissioner of Land vide allotment letter Ref. 84015/11 dated 11<sup>th</sup> July, 1995 referring to as unsurveyed industrial plot no. "A" Miritini and on 26<sup>th</sup> January, 2013, the land was registered vide CR No. 59131 at Mombasa Land Registry and title issued in favor of Mssrs. Awale Transporters Ltd. However, the title was closed as it was subdivided into 30 portions namely MN/VI/8012-8042.
19. **Plot MN/VI/8017 and MN/VI/8022** were resultant plots of subdivision of plot MN/VI/4055, but there is a discrepancy since the location of this mother title and the resultant plots are different and approximately 7.5 km apart and away and Plots MN/VI/8017 and 8022 were surveyed in May 2013 as reflected on survey map no. F/R387/93.
20. The plot nos. MN/VI/8012 - MN/VI/8042 are not supported by the registration system in survey department;
21. The survey reflected by F/R387/93 was submitted to the Director of survey by Ms. E.M.J Kiguru (Licensed Surveyor) on 31<sup>st</sup> May, 2013 and the same was returned to the sender

- on 13<sup>th</sup> June, 2013 since it was rejected vide letter Reference CR 27274S/VOL.45/60 dated 6<sup>th</sup> June, 2013. The purpose of the map was to subdivide MN/VI/4055;
22. The plan indicated that deed plans issued ranged from no. 348713 – 348738. These deed plans are not authentic because according to Ministry records deed plans Nos. 348709 – 348743 were issued on 26<sup>th</sup> February 2016 for LR. No. 9665/19806 – 966519840. The F/R 387/93 indicates that the deed plans were on 14<sup>th</sup> October 2013.
  23. **Plot No. MN/VI/ 8017 and MN/VI/8022** were later amalgamated to form **MN/VI/5132** which was allocated to the Rwandese government and title issued; consequently, The Rwandese government surrendered the title for **MN/VI/3666** a plot claimed by Mssrs. Awale Transporters Ltd but has not been established whether Awale Transporters Ltd has a valid title.
  24. Plot MN/VI/8017 falls on the same place as MN/VI/1128 and plot MN/VI/8022 falls on MN/VI/1129 hence they are overlapping and plot MN/VI/1128 and MN/VI/1129 have restriction and has been placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
  25. **MN/VI/8017 (CR 61422) and MN/VI/8022 (CR 61417)** were surrendered by Mssrs. Awale Transporters to the government of Kenya in consideration of plot No. MN/VI/3666 which was previously registered in favor of the Republic of Rwanda;
  26. Land parcels nos. **LR MN/VI/1128 - MN/VI/1132** which are in the proximity of Miritini railway station were surveyed in November 1952 and deed plans issued on 22<sup>nd</sup> October, 1953. The plots are reflected on survey map no. F/R65/14; and
  27. **Plot MN/VI/1128 - MN/VI/1134** were resultant plots after subdivision of **MN/VI/784** of which survey was carried out in November 1952.

### **2.3 Evidence from the Chairman, National Land Commission**

Prof. Muhammad Swazuri, Chairman National Land Commission accompanied by Mr. Tom Chavangi, Chief Executive Officer, informed the Committee as follows: -

28. The Government of Kenya Acquired Parcels Nos. MN/VI/1128 - **MN/VI/1132** through a Gazette Notice No. 248 dated 18<sup>th</sup> January 1974.
29. The land so acquired was meant for urban development and through the gazette notice no. 737 dated 6<sup>th</sup> March, 1976 the government acquired 64 parcels in section 6 i.e. Miritini area and the purpose of this acquisition was listed as industrial use, low and medium housing site and service scheme and within the same notice there were two parcels, **MN/VI/1133** and **MN/VI/1134** which lie adjacent to **MN/VI/1128-MN/VI/1132** and through the same gazette notice, a further 17 parcels were acquired for the same purposes;
30. It appears that either the government did not complete the intended acquisition or only some of the land was actually acquired. Chaani site, site service scheme and Miritini site are part of the beneficiaries of the acquisitions and majority of the listed parcels in the gazette notices are now in private hands with titles from Changamwe to Miritini. Consequently, some of the acquired parcels having been left unused for decades attracted

- squatters some of whom are living to date;
31. The local residents or squatters occupying parcels **MN/VI/1128- MN/VI/1132** seem to have applied for and obtained letters of allotment for the five pieces of land these letters are dated 10<sup>th</sup> January, 2000 but the Commission is yet to establish how and when they applied for them and
  32. On 27<sup>th</sup> August 2012, the town clerk of Mombasa wrote to the five squatters who were allocated land in **MN/VI/1128 - MN/VI/1132 i.e** Mr. Samuel Charo Kazungu, Mr. James Ngoro, Mr. Andrew K. Kiringo, Mr. Joseph Marawa and Mr. David Gatoke confirming that the letters of allotment were genuine and that the Mombasa Municipal Council had no adverse comments for the said allocation since it had no current urban development plan;
  33. With their letters of allotment, the five local squatters approached Bamboo Twist Ltd to purchase the parcels from them in July, 2012;
  34. Bamboo Twist Ltd claim to have been working on the neighboring land at that time and found it fitting to buy the subject parcels who further inquired about the government's compulsory acquisition but were assured by the squatters that their letters of allotment were genuine and sanctioned by the municipal council of Mombasa;
  35. The search confirmed that parcels **MN/VI/1133** and **MN/VI/1134** which lie next to the subject parcels had also been allocated to private persons and titles issued in 1985 and the Squatters claimed that since obtaining letters of allotment in 2000 they had been unable to process titles because they could not raise the needed stand premiums. Consequently, Bamboo twist accepted to pay premiums for the five squatters as a part of the purchase deal;
  36. Bamboo Twist Ltd purchased the parcels through sale agreements all executed on 10<sup>th</sup> may 2013. Transfers were drawn and completed by November 2013 for 1128 and 1129; while transfers for 1130 and 1131 were completed later. The title for 1132 is still being awaited by the Bamboo Twisted Ltd;
  37. While the negotiation to buy from the five locals was going on, many squatters invaded the plots and in November 2013, Bamboo Twist Ltd begun paying off the squatters to settle elsewhere and spent about Kshs. 32M, during the Commission's public review sessions in Mombasa representatives of the squatters confirmed that they received the payments;
  38. The Chief Land Registrar confirmed the parcels to have been in existence since 1952, the said parcels were subdivision plots from the original LR. No.MN/VI/784. They were issued with deed plan nos. 51705 - 51709 respectively. The said confirmation was made through a letter dated 3<sup>rd</sup> December, 2014;
  39. *In October 2013, a company of lawyers, A Kasmani and company advocates wrote to the Commission complaining of their client's parcels being encroached upon by LR. No. MN/VI/4055, the clients included pentagon communication Ltd, Corbell Enterprises Ltd and the Butler Estates Ltd, the complainants intimated that Plot MN/VI/4055 allegedly owned by Mssrs. Awale Transporters had somehow overlapped or encroached on the several plots namely 3638, 3640, 3667 and 3668 and further that Awale was planning to*

- subdivide LR. No. MN/VI/4055 which could affect their properties if allowed;
40. While this was going on the Commission received information that land, which had been allocated to the Rwandese Government, had been grabbed and a replacement was needed. The said land was mentioned as LR. No. MN/VI/3666 which was being occupied by Awale Transporters Ltd;
  41. In December 2014, the Commission requested Bamboo Twist Limited to appear before the public review committee in Mombasa because there was complaint regarding parcel 1128. Bamboo Twist appeared and presented all the requisite document i.e. deed plan, part development plan, receipt of stand premium pay and letter of allotment;
  42. In December 2014, the Commission's C.E.O requested director of surveys to provide information on parcels 1128-1132. The report was received in which there was confirmation that the allocation documents to Bamboo Twist Ltd were in order and based on this the Commission formed a basis that the parcels were legally processed; and
  43. The request by the Commission's C.E.O to Director of survey was prompted by the inability to get proper information on the fate of Rwandese Embassy Land sometimes said to be LR. No. MN/VI/3666 and at other times said to be on 1128-1132.

#### **2.4 Evidence from the Mombasa County Commissioner**

Mr. Maalim Mohammed, the County Commissioner for Mombasa informed the Committee that:

44. He once worked in Mombasa as District Commissioner and is aware of cases regarding the Land MN/VI/3666;
45. Mssrs. Awale Transporters Ltd has suffered greatly due to the said land and he recalls that while serving as the District Commissioner, he dealt with a case of squatters occupying the contentious land allegedly owned by Mssrs. Awale Transporters Ltd;
46. Awale Transporters Ltd later reached an agreement with the squatters and compensated them, enabling the squatters to vacate the land but later the Rwandese Embassy claimed ownership of LR. MN/VI/3666; and
47. He left Mombasa and was transferred elsewhere and he thought that the matter was dealt with.

#### **2.5 Evidence from Land Registrar Mombasa**

Mr. Dickson Safari the Mombasa Land Registrar appeared before the Committee and informed it as Follows that:-

48. Plot MN/VI/4055 was registered on 25<sup>th</sup> January 2013 vide CR No. 59131 at Mombasa Land Registry. The land comprises of 66.3456 hectares and is registered in favor of Mssrs. Awale Transporters Limited, later the land was subsequently subdivided *into various subplots vide subdivision Nos. 8012 to 8042 (Orig. No. MN/VI/4055) CR. No. 61412-61441) and the title was closed on subdivision and a government restriction has been placed on the resultant subdivisions;*
49. Plot MN/VI/1128 was registered at Mombasa Land Registry on 3<sup>rd</sup> of April, 2013 as CR 59439 in favor of Mr. Samuel Kazungu Charo who subsequently, on 18<sup>th</sup> November,

- 2013 transferred the same plot to Bamboo Twist Ltd;
50. Plot MN/VI/1129 was registered as CR 59437 on 3<sup>rd</sup> April, 2013 in favor of Mr. James Ndoro and on 1<sup>st</sup> November, 2013 he transferred the plot to Bamboo Twist Ltd;
  51. Grant documents regarding MN/VI/1130 was forwarded by the Chief Land Registrar vide letter Ref. 44092/12 dated 4<sup>th</sup> December, 2014 for registration purposes who then proceeded to register the grant on 17<sup>th</sup> December, 2014 as CR No. 64350 in favor of Mr. Andrew Kirongo. There has not been any further transaction on the parcel;
  52. Grant documents relating to MN/VI/1131 were forwarded by Chief Land Registrar vide letter Ref: 244093/20 dated 4<sup>th</sup> December, 2014 for registration purposes he proceeded to register the grants on 17<sup>th</sup> December, 2014 as CR 64351 in favor of Mr. Joseph Marwa;
  53. He received other forwarding letter and lease documents vide letter dated 22<sup>nd</sup> February, 2016 relating to the aforementioned parcels but he was unable to register them because the same parcels had already been registered in the registry therefore he returned the said leases to the Chief Land Registrar for further action;
  54. Plots MN/VI/8017 and MN/VI/8022 were surrendered to the Government of Kenya by Mssrs. Awale Transporters Ltd in consideration of the new grant in respect of CR MN/VI/3666 registered unto the Republic of Rwanda. The two parcels i.e. Plot LR. No. MN/VI/8017 and MN/VI/8022 were amalgamated to create plot LR. No. MN/VI/5132 which was allocated to the Rwandese Government; and
  55. Awale Transporters Limited surrendered plot No. MN/VI/8017 to 8022 so as to retain plot LR. No. MN/VI/3666.

## **2.6 Submission from Mombasa County Surveyor**

Ms. Rachel Ndambuki the Mombasa County Surveyor appeared before the Committee and informed it as follows:

56. Plots Nos. MN/VI/1128-1132 and 3666 are found along Changamwe Miritini Road and in 1974 they were compulsorily acquired by the Government of Kenya under the Land Acquisition Act of 1965;
57. After compulsorily acquisition Plots Nos. MN/VI/1128-1132 were registered as MN/VI/4055 and later awarded to Awale Transporters Ltd, later MN/VI/4055 measuring 66.345 Ha was later sub-divided into several plots, and among them 8017 and 8022 were surrendered back to the government of Kenya by Awale Transporters Ltd. The surveyor received a letter from the Director – Land Administration to that effect on 3<sup>rd</sup> November 2014. The government of Kenya re-allocated the said two plots to Rwandese Embassy and it was registered as MN/VI/5132, measuring 25 hectares;
58. MN/VI/1128 and 1129 were allocated in 2000 and later transferred from Mr. Kazungu to Bamboo Twist on 18<sup>th</sup> November, 2013;
59. MN/VI/ 1130 and 1131 were registered in December, 2014 to Mr. Andrew Kirongo and Mr. Samwel Maruwa respectively and they haven't changed hands since then, however the Criminal Investigation Department (CID) was investigating the said plots and established that the same allotment letter was issued to different parties;

60. In February 2014, she received a request from the Chief Land Registrar to register MN/VI/1130 and MN/VI/1131 but she declined the request to register after discovering that the same plots had been registered before;
61. MN/VI/ 3666 was surrendered by the Rwandese Embassy for consideration of new title, MN/VI/5132; and,
62. In August, 2015, a delegation from the Rwandese Embassy visited Mombasa Survey Department and requested to be shown where MN/VI/ 8017 and 8022 are located however on arrival they found that the beacons had been uprooted, The Embassy agreed with the Survey Department that once they are ready to use the land they will fix new beacons.

## **2.7 Evidence from Bamboo Twist Limited**

Mr. Harji G. Ruda Director Bomboo Twist appeared before the Committee and informed the sitting that,

63. The Company bought Plot Nos. MN/VI/1128-1132 since the land neighbors and is adjacent to the land where they are currently located and doing business and the aforementioned land was strategic in their Company's need to expand, and that they purchased the said land from five locals who were residing in the land but they claimed that though the land was allocated to them they were unable to raise the required monies to pay standard premiums, however before purchasing the land they conducted due diligence and found that the said parcels were acquired by the government of Kenya in 1974 for future urban development. However, the sellers produced a letter from the Town Clerk (now defunct) Municipal council of Mombasa indicating that the letter of allotment were genuine and further due diligence revealed that MN/VI/1133 and MN/VI/1134 were acquired by government of Kenya in 1976 and allocated to private individuals and titles seems to exist since 1985;
64. The Company bought parcels MN/VI/1128-1132 at a consideration of Kshs. 30M with the full knowledge that the said plots had been heavily invaded by squatters and in November 2013, the Company begun squatter resettlement programme and spent over Kshs. 32M settling squatters and the programme is still ongoing to date approximately 8 - 10 acres of plot No. MN/VI/1132 is invaded by squatters who have erected permanent structures;
65. The Company wrote to the National Land Commission and the County Government of Mombasa with the view of surrendering 8 - 10 acres of plot MN/VI/1132 to the said squatters, however they are waiting for the title of the said land so that they can surrender it to the squatters;
66. The Company learned that MN/VI/1128 was placed under review by National Land Commission and after presenting all the documents requested by the NLC, they received clearance from NLC and upon further due diligence they came across a report from the Senior Deputy Director Survey to the Cabinet Secretary Ministry of Lands and Physical Planning who upon request from Chief Executive Officer of the NLC, the report confirmed that all allotments and deed plans nos. for plot MN/VI/1128-1132 are genuine

and originating from Land Office however, they later established that plot nos. MN/VI/1129 is claimed by three other people i.e. Ms. Faith Wathome, Mr. Paul Maina and Mr. Paul Ngare (in the allotment letter they used the Ministry of Land and Physical Planning postal address); and Plot Nos. MV/VI/1130 is claimed by Mssrs. Ruaro Investment Limited;

67. Mr. William Githinji contacted the Company through a land broker claiming that he is in possession of the original title deed for MN/VI/1128 however, further inquiry established that the land was owned by Mathis & Sons before the 1974 compulsorily acquisition by the Government of Kenya; and
68. On or around July/August, 2014 Awale Transporters Ltd visited the site and claimed ownership of MN/VI/1128-1134 and the dispute was launched at the District Commissioner in Changamwe who upon perusal of ownership documents confirmed that the land belongs to Bamboo Twist Ltd.

## **2.8 Evidence from Commissioner Abdulkadir Khalif**

Mr. Abdulkadir Khalif a Commissioner with the National Lands Commission appeared before the Committee and informed it as follows, that: -

69. On 20<sup>th</sup> November, 1973 vide letter Ref: 2859/221 the Commissioner of Lands requested the Permanent Secretary Ministry of Lands and settlement for authority to compulsorily acquire the parcels. Consequently, a Notice of intention to acquire parcels and notice of inquiry were published vide gazette notice no. 248 and 249 of 25<sup>th</sup> January 1974. The parcels were later paid for through A and B Patel and Patel Advocates and thereafter became public property;
70. Application for industrial plots by Awale to commissioner of lands dated 15<sup>th</sup> April, 1986 where Awale explained that he has developed in Miritini and wishes to apply for formalization of allocation whereupon a Letter of allotment Ref; 49251/10 dated 11<sup>th</sup> May, 1995 was issued and also the Commissioner of Lands letters allotment nos. 123790/4 and 9 both dated 28<sup>th</sup> April, 1989 in favor of Hon. Ayub Arap Chepkwony were issued and two sub plots were created out of MN/VI/1132 namely 3667 (deed plan no. 140501) and MN/VI/3668 (deed plan no.142502). This allocation was invalid because MN/VI/1132 ceased to exist and any allocation should have come out of a re-planned government land after acquisition and No further action on this allocation nor any evidence of any payments or grant preparation were found after the initial steps;
71. Letter of allotment Ref: 84015/II dated 12<sup>th</sup> July 1995 for 66.4 Ha of Industrial Plot No. A Miritini in favor of Awale Transporter Ltd and although not stated this looks like an illegal amalgamation of MN/VI/1128-1132 which was numbered later as MN/VI/4055, This was an illegal amalgamation and allocation of publicly procured property;
72. On 22<sup>nd</sup> February 1996, following the Commissioners of Lands' letter of allotment Ref: 90750/6/91 for MN/VI/1131 in favor of Mssrs. Jet link Ltd for four subplots MN/VI/3813 (Deed Plan No. 203250), MN/VI/3814 (Deed Plan No. 203251), MN/VI/3815 (Deed Plan No. 203252) and MN/VI/3816 (Deed Plan No. 203253) were prepared and issued and the letter for allotment for MN/VI/1131 was null and void because the parcel ceased to exist

- after compulsory acquisition;
73. A letter of allotment Ref: 90750/ XIV of 10<sup>th</sup> November 1997 for Uns. Light industrial plot no. "A" in favor of Gopal Construction Company of P.O Box 82904 Mombasa. PDP No. 12.3.CT.331.96 refers to above plot. The plot area is 1.00 Ha File No. 195109. This parcel could be the real MN/VI/4055 but this entry was an attempt to clarify where MN/VI/ 4055 is actually located;
  74. A copy of grant No. CR. 30827 for MN/VI/3666 in favor of Awale Transporters Ltd was registered on 24<sup>th</sup> November 1997 and following this application a letter of allotment was prepared for MN/VI/3666 in favor of Awale transporters Ltd and another copy of grant No. CR. 30827 for MN/VI/3666 in favor of the Republic of Rwanda was registered on 25<sup>th</sup> November, 1997 this happened one day after a grant of the same plot in favor of Awale was registered in Mombasa; The Commissioner of Lands letter Ref: 116488/II/50 of 28<sup>th</sup> November, 1997 addressed to the registrar of titles Mombasa forwarding land documents for MN/VI/3666 in favor of Awale, the Commissioner of lands ordered the registrar in Mombasa to register 3666 in favor of Awale Transporters Ltd, however, the registrar gave two conflicting instructions;
  75. The following allocation are null and void because these plots were not available for allocation since the said plots ceased to exist after government acquisition;
    - a) Letter of allotment Ref: 76474/VI of 10<sup>th</sup> January 2000 for MN/VI/1132 in favor of David Gathoke,
    - b) Letter of allotment Ref: 76474/VI of 10<sup>th</sup> January 2000 in favor of Mr. Samwel Charo Kazungu for MN/VI/1128,
    - c) Letter of allotment Ref: 76474/VI of 10<sup>th</sup> January 2000 in favor of Mr. Joseph Marwa for parcel MN/VI/1131,
    - d) Letter of allotment in favor of Mr. Andrew Kirongo Ref: 76474/VI of 10<sup>th</sup> January 2000 for parcel LR. No. MN/VI/1130,
    - e) Letter of allotment Ref: 76474/VI of 10<sup>th</sup> January 2000 in favor of Mr. James Ndoro was written for parcel MN/VI/1129,
  76. He submitted that the under-listed allocations are illegal, null and void because of double allocations;
    - a) Letter of allotment Ref: 62864/22 of 14<sup>th</sup> February 2000 was issued to Mr. Abdalla Jumaa Ngozi and Mr. Badhili Elija Yaa for MN/VI/1132. The same plot had been allocated to Hon. Yakub Arap Chepkwony and David Gatoke. Both allocations were illegal;
    - b) Letter of allotment Ref: 62860/19 of 14<sup>th</sup> February 2000 for plot LR. No. MN/VI/1130 in favor of Ruora Investment Ltd. This allocation was illegal since the same had been allocated to Mr. Andrew Kirongo. Both allocations were illegal;
    - c) Letter of allotment Ref: 62860/19 in favor of Faith Lina Wathome, Paul maina and James Ngari for MN/VI/1129 of 1<sup>st</sup> February, 2000 was issued on 1<sup>st</sup> February, 2000. This allocation is illegal since the same parcel had been illegally allocated to James Ndoro on 1<sup>st</sup> January, 2000;
  77. On 20<sup>th</sup> March, 2008 vide letter of allotment Ref: 62864/15 plot LR. No. MN/VI/1132

was allocated to the government of Uganda for dry dock purposes, this was the fourth allocation of the said parcel and a letter from the Uganda High Commission Ref: CX/55/(B) dated 31<sup>st</sup> July, 2008 confirms allocation of parcels of land on Yusufu Lule Road Kampala to the government of Kenya as reciprocal gesture for the allocation of plot LR. No. MN/VI/1132 and a letter Ref: 70009/XV/141 dated 30<sup>th</sup> January, 2005 to PS/SC and H.P.S Ambassador Muthaura addressed from the Ministry of Lands concerning the allocation of plot LR. No. MN/VI/1132 to the government of Uganda. This was manifestation of the High-level government interest and involvement in making the allocation happen successfully;

78. A Letter from the Hon. James Orengo, the then minister for lands, Ref: MIN/MOL/GEN VOL1 dated 9<sup>th</sup> March, 2009 addressed to Provincial Commissioner, Coast Province advising him to stop any advance action to demolish Awale property while the Ministry determines the true status of MN/VI/3666. This was after a threat by the government to demolish Awale complex;
79. Letter Ref: CR 272 VOL 9/93 dated 4<sup>th</sup> December, 2012 from the Director of Surveys addressed to the Commissioner of Lands seeking clarification on multiple allocations and subdivisions of MN/VI/1128-1132;
80. A Grant of MN/VI/4055 (Which is an amalgamation of MN/VI/1128-1132) in favor of Awale Transporters Ltd for a term of 99 years with effect from 1<sup>st</sup> July 1995 and registered at Mombasa registry on 18<sup>th</sup> February, 2013, this was an irregular transaction because there is no evidence of due process having been followed. the said parcels were not available for amalgamation since they ceased to exist as a single unit and any allocation of any space within the confines of former MN/VI/1128-1132 must come after re-planning and that was the purpose of compulsory acquisition therefore, a copy of a grant of MN/VI/4055 in favor of Awale registered on 18<sup>th</sup> February 2013 is an illegal amalgamation whose grant cannot and do not exist;
  - a) A Notification of approval by Mombasa County Government of MN/VI/4055 for Awale Transporters Ltd dated 5<sup>th</sup> April, 2013 is a grossly irregular transaction because there can never be an approval of a subdivision for property that does not legally exist;
  - b) A Subdivision recommendation of MN/VI/4055 by district land officer dated 8<sup>th</sup> April, 2013 is a grossly irregular transaction since there can never be an approval of a subdivision for property that does not legally exist;
  - c) A Certificate of subdivision for MN/VI/4055 for plots MN/VI/8012 – 8042 From Mombasa county government dated 21<sup>st</sup> September, 2013 is a grossly irregular transaction since there can never be an approval of subdivision for property that does not legally exist;
  - d) The Subdivision of MN/VI/4055 into 31 sub-plots approved by Mombasa county government dated 21<sup>st</sup> October, 2013 were registered at Mombasa registry in favor of Awale Transporters Ltd, these subdivisions were done for an individual after or/ from an amalgamation that was nullified and therefore All resultant parcel should be reclaimed for the public and their allocation subjected to the normal process of law

- of normal allocations of public land;
- e) A letter from an advocate dated 28<sup>th</sup> October, 2013 representing owners of MN/VI/3638, 3640, 3667 and 3668 writing to the registrar complaining that MN/VI/4055 is encroaching on their client's properties those parcels are subdivisions of acquired parcels which do not technically and legally exist;
  - f) New rent schedule for MN/VI/8012-8042 from Mombasa county government dated 3<sup>rd</sup> December, 2013 - this land schedule is irrelevant since the said parcel do not exist;
  - g) Rate clearance certificate from Mombasa County government for MN/VI/4055 dated 8<sup>th</sup> December, 2013 is a grossly irregular transaction since there can never be a clearance certificate of subdividing a property that does not legally exist;
81. The Director of survey letter Ref: CR 2744/VOL45/106 and Ref: CR 274S/VOL45/107 all dated 29<sup>th</sup> November, 2013 to the Chairman National Land Commission requesting for confirmation whether the letter of allotment for MN/VI/ 1130 and MN/VI/1129 in favor of Ruara Investment Ltd and Faith Lina Wathome respectfully is genuine or not and Authentication slips for MN/VI/1129 and 1130 was written by the Director of Survey to a licensed Surveyor Mr. Edward Kiguru informing him that his surveys on F/R560/39 and 40 had been approved, the Director's letters are Ref: 2747/VOL45/126 and 127 dated 21<sup>st</sup> February, 2014 respectively however, this procedure was unnecessary because re-establishment of acquired parcel is illegal and the Director of Surveys cannot purport to allocate government land as he seems to have done and go right ahead to re-establish the parcels in their original form;
82. An application for allocation of MN/VI/1132 by Badhili Elija Yaah, Abdalla Juma Ngozi, John Mugo Njeru, to the Chairman National Land Commission dated 12<sup>th</sup> March, 2014 was received requesting for a dry dock and the Chairman of the NLC requested for the ground status report meanwhile a suspected letter of allotment in favor of the three applicants above surfaced, the letter of allotment Ref: 62864/22 was back-dated to 16<sup>th</sup> February, 2000. The applicants applied for the parcel on 12<sup>th</sup> March, 2014 and letter of allotment was dated 16<sup>th</sup> February 2000;
83. EACC commenced investigations into the allocation of MN/VI/1130 vide a letter Ref: EACC.6.16/1VOL.XXXII (32) dated 15<sup>th</sup> July, 2014. This letter was written to the Principal Secretary Ministry of Lands Housing and Urban Development instead it should have been addressed to National Land Commission it opened the opportunity for investigating suspicious fraud;
84. A letter Ref: MFA.REL/13/46 dated 11<sup>th</sup> September, 2014 from PS Foreign Affairs to Chairman NLC requesting for a speedy processing of alternative parcel of land for Rwanda and there are Excerpts of Minutes by the National Lands Commission meeting held on 12<sup>th</sup> March, 2015 stating the resolution of the Commission to seek alternative land for the Rwandese.
85. A Letter Ref: ATL/NLC/01/14 dated 21<sup>st</sup> October by Awale to the Chairman National Land Commission surrendering MN/VI/8017 and 8022 where Awale opted not to present himself for the review process for MN/VI/1128-1132. He decided to surrender titles

- voluntarily and the Chairman's NLC's letter Ref; NLC/CHAIRMAN/VOL.VII/105 dated 30<sup>th</sup> October, 2014 to the Principal Secretary, Ministry of Foreign affairs on donation of land for the Rwandese Government done after alternative land was found;
86. The Ministry of lands Housing and Urban Development moved to survey, consolidate and register the acquired parcels and a letter Ref; 286253/55 dated 3<sup>rd</sup> November, 2014 by Director of Land Administration, National Land Commission to county land registrar Mombasa through Chief Land Registrar forwarding the surrender by Awale of MN/VI/8017 and 8022 the Commission received the surrender of the said parcel from Awale and forwarded them to land registrar Mombasa;
  87. The governments of Rwanda vide a letter Ref: 1472/09.04/23/14 dated 1<sup>st</sup> October, 2014 and Ref: 151/11.11.16/2015 of February, 2015, accepted grant for the parcels MN/VI/8017 and 8022 after site inspection conducted by the Ministry of Lands Housing and Urban Development in coordination with Ministry of Foreign Affairs of Kenya which was in line with government efforts to resolve the long standing and embarrassing issues of land for Rwanda even after the government of Rwanda gave Kenya a prime property in downtown Kigali,
  88. A copy of certificate of postal search on 5<sup>th</sup> November, 2014 for MN/VI/8017 (CR 61417) showing the surrender of parcel by Awale Transporters to the government of Kenya and this was a proof that the said parcels were unencumbered public property available for public use;
  89. The Legal department of National Land Commission advised the Chairman about the suspected letter of allotment for parcel number MN/VI/1132. The internal memo is Ref: 62864/30 dated 11<sup>th</sup> November, 2014;
  90. Letter dated 1<sup>st</sup> December 2014 from Chief Land Registration officer Mombasa insisting that CR 59131 exists correctly and the grant is valid. This shows how Mombasa and Nairobi Land offices no longer work together. This is the root cause of land fraud at the Coast;
  91. The report on Rwandan Embassy land written by the Director of Survey to the Cabinet Secretary, Ministry of Lands, was requested by the Chief Executive Officer NLC vide a letter REF: CR 274SVOL45/182 dated 3<sup>rd</sup> December, 2014. The report does not mention the following: -
    - a) The compulsory acquisition of the parcels;
    - b) Does not recognize MN/VI/4055; MN/VI/4055 is not a consolidation of MN/VI/1128-1132;
    - c) Does not recognize the subdivision that created MN/VI/8012-8042 from MN/VI/4055: and those plots do not exist or available for allocation;
  92. A Letter by the Chief Land Registrar to the Chief Land Registration Officer, Mombasa concerning parcel MN/VI/4055, CR. 59131 instructing him to put a government caveat on the parcel and all its subdivisions, Letter Ref: MSA/A/24 VOL.XIII/84 dated 4<sup>th</sup> December, 2014 never happened;
  93. The Principal Secretary, Ministry of Lands, Housing and Urban Development's letter Ref: MLHU/ADM/HOU/9/5 of 12<sup>th</sup> February, 2015 to Director of Land Administration,

- National Land Commission forwarding letter of acceptance of grant of MN/VI/8017 and 8022 by Rwanda. After inspection, Rwandan Government through the Ministry for Foreign Affairs accepted the offer of MN/VI/8017 and 8022 which were amalgamated into MN/VI/5132;
94. A Letter from the Director of Surveys for MN/VI/5132 for consolidation of MN/VI/8017 and 8022 – Ref: CR. 2745/Vol.45/194 dated 13<sup>th</sup> April 2015. This was an acceptance by the Director of Surveys that MN/VI/5132 was correctly allocated and is public land available to Rwandan Government;
  95. Chief Land Registrar's letter CLR/FL/VOL.I/62 dated 1<sup>st</sup> July 2015 to District Land Registrar Mombasa forwarding lease document for MN/VI/5132. These documents were registered in Mombasa and title issued to Government of Rwanda. The Ministry through Director of Surveys and the Chief Land Registrar finally accepted that previous correspondences, allocations, registrations and all other dealings in MN/VI/1128-1132 were illegal, null and void and that they no longer existed in their original form;
  96. A Letter from County Planning and Architecture Director, Mombasa County Government asserting that all approval documents for subdivision of MN/VI/4055 were forgeries. The letter was dated 24<sup>th</sup> September 2015. It was noted that Mombasa County Government disowned the letters purportedly originating from them. This was confusion in all levels of government and how officers had turned their offices into private units with on government which cannot be held accountable;
  97. Letter Ref: MFA/ADM 1/63 A Vol. XIII/(13) dated 29<sup>th</sup> September, 2015 to the Principal Secretary, Ministry of Lands, Housing and Urban Development concerning the grant of MN/VI/5132 (amalgamation of 8017 and 8022) awaiting exchange of titles. In this case the Ministry of Foreign Affairs was pushing for the exchange of titles of MN/VI/5132 and MN/VI/3666 in order to free MN/VI/3666 and commit MN/VI/5132;
  98. A Letter Ref: MFA.ADM 1/63A VOL.XIII (16) dated 1<sup>st</sup> October, 2015 to PS Lands confirming that the Ministry had executed the transfer of MN/VI/3666 in exchange for MN/VI/5132 on behalf of Government of Rwanda;
  99. Letter Ref: MFA.ADM A/63 A Vol. XIII (16) dated 1<sup>st</sup> October 2015 to inform that the Ministry had executed the surrender of title for land MN/VI/3666 in exchange for parcel of Land MN/VI/5132 as per request. Both governments had exchanged the documents and Rwanda had officially taken over MN/VI/5132 and had surrendered title to MN/VI/3666;
  100. A letter Ref: M/CG/VOL.1/25 dated November 2015 BY District Surveyor addressed to the Chairman, NLC exporting on land for Rwanda Government. The letter confirms that MN/VI/8017 and 8022 were surrendered to government by Awale so as to give Rwanda as was stated in NLC letter Ref: 286253/55 to the Chief Land Registrar dated 3<sup>rd</sup> November 2014. Those parcels were consolidated to form MN/VI/5132 and registered as CR. 65837 in favor of Rwanda;
  101. A letter from the Chairman of NLC to the Embassy of Rwanda and the Governor of Mombasa dated 20<sup>th</sup> January 2016 in which the letter sites determination of review of MN/VI/3666 for propriety of legality. The said review was allegedly done in Mombasa

- between 3<sup>rd</sup> and 6<sup>th</sup> August, 2015 and the Chairman categorically stated that the commission had determined that MN/VI/3666 belongs to the Government of Rwanda;
102. Chairman NLC's letter Ref: NLC/CHAIRMAN/VOL.VX dated 9<sup>th</sup> February 2016 inviting Awale for a meeting to discuss MN/VI/3666, MN/VI/1128-1132 and MN/VI/4055. If a review had been done and determined was the meeting necessary?
103. Attempts and incidents of gross malpractice to dispose off land with intention to Confuse the process by Chief Land Registrar to the District Land Registrar,
- a) The Lease document for MN/VI/1132 in favor of Zakaria Simani Khazalwa letter forwarding from Chief Land Registrar to District Land Registrar, Mombasa Ref: 267040/7 of 18<sup>th</sup> February, 2016. This was yet another attempt to dispose off MN/VI/1132 but the date of registration of the lease is 4<sup>th</sup> February, 2016;
  - b) Lease document for MN/VI/1131 in favor of Andrew Mwita vide a letter Ref: 267039/7 dated 18<sup>th</sup> February 2016 from Chief Land Registrar to District Land Registrar Mombasa. This was yet another attempt to dispose off MN/VI/1131 (Compounding fraud);
  - c) Lease document for MN/VI/1128 in favor of Issak Locho vide a letter Ref: 267036/7 dated 18<sup>th</sup> February 2016 from Chief Land Registrar to District Land Registrar Mombasa. This was yet another attempt to dispose off MN/VI/1131(Compounding fraud);
  - d) Letter from Chief Land Registrar Mombasa Ref: CLR/FL/VOL37589 dated 22<sup>nd</sup> February, 2016 this was a schedule of lease documents for action for parcels MN/VI/1128-1132;
104. Letter from C.E.O N.L.C to Principal Secretary, Ministry of Foreign Affairs Ref: NLC/ADMIN/1 dated 9<sup>th</sup> March 2016 concerning surrender of title for MN/VI/3666 in exchange for grant of MN/VI/5132. This was the completion of the long process of allocating land to the Rwandese. The Commission insisted that the Rwandese physically take over and protect the land from squatters;
105. Review of grants and depositions of MN/VI/1128-1132 recommended for revocation. NLC determined that the said parcel were compulsorily acquired public land and were not available for allocation in their original state. The Commission's resolved to expunge records for MN/VI/1128-1132 from Mombasa registry records despite that resolution, instructions to the said registrar is awaiting Chairman's signature.

### 3.0 COMMITTEE FINDINGS, OBSERVATIONS AND CONCLUSIONS

Based on the Investigations, evidence adduced and submission made, the Committee made the following observations.

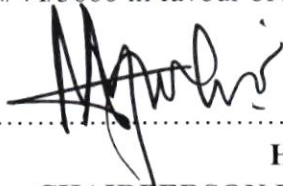
- 1) THAT, Plot LR. No. MN/VI/1128-1132 was acquired in 1974 by the Government of Kenya for industrial development. However, it was inhabited by squatters whose population kept on increasing over the years;
- 2) THAT, In 2000, the squatters through their representative namely: - Mr. Samuel Charo Kazungu, Mr. James Ngoro, Mr. Andrew K. Kirongo, Mr. Joseph Mr. Marwa and David Gatoka were allocated Plots LR. No. MN/VI/1128-1132;
- 3) THAT, The purported amalgamation of MN/VI/1128-1132 to create Plot LR. No. MN/VI/4055 is a forgery since the land was not available for allocation and the genuine Plot LR. No. MN/VI/4055 is 7.5KM away and it only measures 0.9463 Ha;
- 4) THAT, Plot LR. No. MN/VI/1128 to Plot LR. No. MN/VI/1132 was acquired and allocated by the Government of Kenya;
- 5) THAT, The High Court had pronounced itself on the status of Plot LR. No. MN/VI/3666 that the parcel of land belongs to Rwandese Government;
- 6) THAT, On 31<sup>st</sup> May, 2013 Ms. E. M. J Kiguru submitted to the Director of Survey a survey plan purporting to amalgamate Plot LR. No. MN/VI/1128-1132 which was returned to the sender on 13<sup>th</sup> June, 2013 since it was rejected vide letter Reference CR 27274S/VOL.45/60 dated 6th June, 2013.
- 7) THAT, The purpose of the aforementioned map in (6) above was to subdivide MN/VI/4055. However, the said amalgamation continued irrespective of it being referred as a forgery whereby Awale Transporter Limited went ahead to surrender forgeries to the government.

#### 4.0 RECOMMENDATIONS

Based on the Observations, Investigations, evidence adduced and submission made, the Committee made the following recommendations.

1. THAT, Plot LR. No. MN/VI/3666 was not available for allocation to Awale Transporters Limited, since it belonged to the Rwandese Government and the Government of Kenya through the relevant State Agencies must ensure that the sanctity of the title deed for the Plot No. MN/VI/3666 title is upheld and help in enforcing the High Court ruling.
2. The Director of Criminal Investigation Department, Ethics and Anti-Corruption Commission investigates the purported amalgamation and subdivision of plot LR. Nos. MN/VI/1128-1132 to create Plot LR. No. MN/VI/4055 and the subdivision of Plot LR. Nos. MN/VI/8017-8042 and allocation to Rwandese government with a view to prosecute all government officials and private citizens involved in the scam;
3. The Director of Public Prosecution investigates and prosecute those found to have been involved in approving, facilitating and creating Plot No. MN/VI/4055 and Plot LR. No. MN/VI/3666 in favour of Awale Transporters Limited.

SIGNED: .....



DATE: .....

20th May 2017

**HON. ALEX M. MWIRU, MP**  
**CHAIRPERSON DEPARTMENTAL COMMITTEE ON LANDS**



# ADOPTION SCHEDULE

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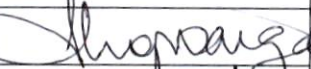
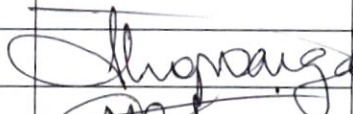

DEPARTMENTAL COMMITTEE ON LANDS  
ATTENDANCE LIST

Date: May 19<sup>th</sup>, 2017

Venue: The Pier, English Point Marina, Mombasa

Agenda: Adoption of the report on Land LR No. 3666 in Mombasa County

MW/VI/1128+11324  
Mombasa

NO.	NAME	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)	
2.	The Hon. Moses Ole Sakuda, M.P (Vice-Chairperson)	
3.	The Hon. Onesmas Ngunjiri, M.P.	
4.	The Hon. Mutava Musyimi, M.P.	
5.	The Hon. John Kihagi, M.P.	
6.	The Hon. Francis W. Nderitu, M.P.	
7.	The Hon. Francis Njenga, M.P.	
8.	The Hon. Athman. Shariff, M.P.	
9.	The Hon. Eusilah Jepkosgei, M.P.	
10.	The Hon. Benard Bett, M.P.	
11.	The Hon. Kipruto Moi, M.P.	
12.	The Hon. Hellen Chepkwony, M.P.	
13.	The Hon. Sarah Korere, M.P.	
14.	The Hon. Julius Ndegwa, M.P.	
15.	The Hon. Benson Mbai, M.P.	
16.	The Hon. Kanini Kega, M.P.	
17.	The Hon. Esther Murugi Mathenge, M.P.	
18.	The Hon. Hezron Awiti Bollo, M.P.	
19.	The Hon. Suleiman Dori Ramadhani, M.P.	
20.	The Hon. George Oner Ogalo, M.P.	
21.	The Hon. Lekidime L. Mathew, M.P.	
22.	The Hon. Shakila Abdallah, M.P.	
23.	The Hon. Paul Otuoma, M.P.	
24.	The Hon. Thomas Mwadeghu, M.P.	
25.	The Hon. Patrick Makau, M.P.	
26.	The Hon. Magwanga Joseph Oyugi, M.P.	
27.	The Hon. Omar Mwinyi, M.P.	
28.	The Hon. Charles Nyamai, M.P.	

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**COPIES OF MINUTES**



**MINUTES OF THE 55<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON SATARDAY 20<sup>TH</sup> MAY, 2016, IN PIER CONFERENCE ROOM, AT ENGLISH POINT MARINA AT 11.00 AM**

**PRESENT:**

- |                                         |                         |
|-----------------------------------------|-------------------------|
| 1. The Hon. Alex Mwiru, M.P.            | <b>Chairperson</b>      |
| 2. The Hon. Moses Ole Sakuda, M.P.      | <b>Vice Chairperson</b> |
| 3. The Hon. Omar Mwinyi, M.P.           |                         |
| 4. The Hon. Kanini Kega, M.P.           |                         |
| 5. The Hon. Dr. Paul Otuoma, M.P.       |                         |
| 6. The Hon. Hellen Chepkwony, M.P.      |                         |
| 7. The Hon. Joseph Oyugi Magwanga, M.P. |                         |
| 8. The Hon. Francis W. Nderitu, M.P.    |                         |
| 9. The Hon. John Kihagi, M.P.           |                         |
| 10. The Hon. Francis Njenga Kigo, M.P.  |                         |
| 11. The Hon. George Oner, M.P.          |                         |
| 12. The Hon. Eusilah Ngeny, M.P.        |                         |
| 13. The Hon. Shakila Abdallah, M.P.     |                         |
| 14. The Hon. Julius Ndegwa, M.P.        |                         |
| 15. The Hon. Mathew L. Lempurkel, M.P.  |                         |
| 16. The Hon. Esther Murugi, M.P.        |                         |
| 17. The Hon. Benson Mbai, M.P.          |                         |
| 18. The Hon. Suleiman Dori, M.P.        |                         |
| 19. The Hon. Onesmus Ngunjiri, M.P.     |                         |
| 20. The Hon. Hezron Awiti Bollo, M.P.   |                         |
| 21. The Hon. Thomas Mwadeghu, M.P.      |                         |
| 22. The Hon. Charles Nyamai, M.P.       |                         |

**ABSENT WITH APOLOGIES:**

1. The Hon. Bernard Bett, M.P.
2. The Hon. Kipruto Moi, M.P.
3. The Hon. Athman Shariff, M.P.
4. The Hon. Patrick Makau, M.P.
5. The Hon. Sarah Korere, M.P.
6. The Hon. Mutava Musyimi, M.P.

**IN ATTENDANCE:**

**KENYA NATIONAL ASSEMBLY**

- |                        |                      |
|------------------------|----------------------|
| 1. Mr. Daniel Mutunga  | Principal Clerk I    |
| 2. Mr. James Ginono    | Clerk Assistant I    |
| 3. Mr. Joshua Ondari   | Clerk Assistant III  |
| 4. Mr. Emmanuel Muyodi | Clerk Assistant III  |
| 5. Mr. Kefa Omoti      | Principal Researcher |
| 6. Ms. Mercy Wanyonyi  | Legal Counsel II     |
| 7. Ms. Rose Ometere    | Audio Officer        |

**MINUTE NO. DCL/LN/2017/174**

**PRELIMINARIES**

The chairman called the meeting to order at 11.10 am with a word of prayer.

**MINUTE NO. DCL/LN/2017/175**

**ADOPTION OF THE REPORT ON LAND  
LR NO. MN/VI/1128-1132 AND LR NO. 3666  
IN MOMBASA COUNTY**

The Committee considered the report and upon deliberations made the following observations: -

- 1) THAT, Plot LR. No. MN/VI/1128-1132 was acquired in 1974 by the Government of Kenya for industrial development. However, it was inhabited by squatters whose population kept on increasing over the years;
- 2) THAT, In 2000, the squatters through their representative namely: - Mr. Samuel Charo Kazungu, Mr. James Ndoro, Mr. Andrew K. Kirongo, Mr. Joseph Mr. Marwa and David Gatoka were allocated Plots LR. No. MN/VI/1128-1132;
- 3) THAT, The purported amalgamation of MN/VI/1128-1132 to create Plot LR. No. MN/VI/4055 is a forgery since the land was not available for allocation and the genuine Plot LR. No. MN/VI/4055 is 7.5KM away and it only measures 0.9463 Ha;
- 4) THAT, Plot LR. No. MN/VI/1128 to Plot LR. No. MN/VI/1132 was acquired and allocated by the Government of Kenya;
- 5) THAT, The High Court had pronounced itself on the status of Plot LR. No. MN/VI/3666 that the parcel of land belongs to Rwandese Government;
- 6) THAT, On 31<sup>st</sup> May, 2013 Ms. E. M. J Kiguru submitted to the Director of Survey a survey plan purporting to amalgamate Plot LR. No. MN/VI/1128-1132 which was returned to the sender on 13<sup>th</sup> June, 2013 since it was rejected vide letter Reference CR 27274S/VOL.45/60 dated 6th June, 2013.
- 7) THAT, The purpose of the aforementioned map in (6) above was to subdivide MN/VI/4055. However, the said amalgamation continued irrespective of it being referred as a forgery whereby Awale Transporter Limited went ahead to surrender forgeries to the government.

Upon making the above-mentioned observations the Committee resolved as hereunder: -

1. THAT, Plot LR. No. MN/VI/3666 was not available for allocation to Awale Transporters Limited, since it belonged to the Rwandese Government and the Government of Kenya through the relevant State Agencies must ensure that the sanctity of the title deed for the Plot No. MN/VI/3666 title is upheld and help in enforcing the High Court ruling.

2. The Director of Criminal Investigation Department, Ethics and Anti-Corruption Commission investigates the purported amalgamation and subdivision of plot LR. Nos. MN/VI/1128-1132 to create Plot LR. No. MN/VI/4055 and the subdivision of Plot LR. Nos. MN/VI/8017-8042 and allocation to Rwandese government with a view to prosecute all government officials and private citizens involved in the scam;
3. The Director of Public Prosecution investigates and prosecute those found to have been involved in approving, facilitating and creating Plot No. MN/VI/4055 and Plot LR. No. MN/VI/3666 in favour of Awale Transporters Limited.

Consequently, the report was proposed and adopted unanimously by the Members present and signed by the Chair.

**MINUTE NO. DCL/LN/2017/176**

**ADJOURNMENT**

There being no any other business, and the time being 12:05 pm the meeting was adjourned.

SIGNED.....



(CHAIRPERSON)

DATE.....

22/05/2017

**MINUTES OF THE 63<sup>RD</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY 21<sup>ST</sup> JULY, 2016, IN THE BOARDROOM OF FOURTH FLOOR PROTECTION HOUSE PARLIAMENT BUILDINGS AT 10.00 AM**

**PRESENT:**

- 1) The Hon. Alex Mwiru, M.P. - **Chairperson**
- 2) The Hon. John Kihagi, M.P.
- 3) The Hon. Francis W. Nderitu, M.P.
- 4) The Hon. Bernard Bett, M.P.
- 5) The Hon. Hellen Chepkwony, M.P.
- 6) The Hon. Kipruto Moi, M.P.
- 7) The Hon. Benson Mbai, M.P.
- 8) The Hon. Julius Ndegwa, M.P.
- 9) The Hon. Thomas Mwadeghu, M.P.
- 10) The Hon. Sarah Korere, M.P.
- 11) The Hon. Francis Njenga Kigo, M.P.
- 12) The Hon. Joseph Oyugi Magwanga, M.P.
- 13) The Hon. Esther Murugi, M.P.
- 14) The Hon. Shakila Abdallah, M.P.
- 15) The Hon. Omar Mwinyi, M.P.
- 16) The Hon. Athman Shariff, M.P.
- 17) The Hon. Onesmus Ngunjiri, M.P.
- 18) The Hon. Kanini Kega, M.P.
- 19) The Hon. Hezron Awiti Bollo, M.P.

**ABSENT WITH APOLOGIES:**

- 1) The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
- 2) The Hon. Patrick Makau, M.P.
- 3) The Hon. Mutava Musyimi, M.P.
- 4) The Hon. Eusilah Ngeny, M.P.
- 5) The Hon. Mathew L. Lempurkel, M.P.
- 6) The Hon. Dr. Paul Otuoma, M.P.
- 7) The Hon. George Oner, M.P.
- 8) The Hon. Mpuru Aburi, M.P.
- 9) The Hon. Suleiman Dori, M.P.

**IN ATTENDANCE:**

**KENYA NATIONAL ASSEMBLY**

1. Mr. James Ginono Clerk Assistant I
2. Mr. Joshua Ondari Clerk Assistant III
3. Mr. Emmanuel Muyodi Clerk Assistant III
4. Mr. Stephen Nyakuti Audio Officer

## **NATIONAL LAND COMMISSION**

- |                           |                                |
|---------------------------|--------------------------------|
| 1. Prof. mohammed Swazuri | Chairman                       |
| 2. Mr. Tom Aziz Chavangi  | Chief Executive Officer        |
| 3. Ms. Susa Kielemi       | Deputy Director Settlement     |
| 4. Mr. F.C Bor            | Deputy Director Administration |

## **BOMBOO TWIST LIMITED**

- |                           |                       |
|---------------------------|-----------------------|
| 1. Mr. Harji G. Ruda      | Director Bomboo Twist |
| 2. Mr. Devian R. Pankelal | Manager               |

## **MINUTE NO. DCL/LN/2016/249**

## **PRELIMINARIES**

The chairman called the meeting to order at 10.20 a.m. with a word of prayer from the Chairperson.

## **MINUTE NO. DCL/LN/2016/250**

## **ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as hereunder after being proposed by the Hon. Francis Nderitu, MP and Seconded by the Hon. Shakila Abdallah, M.P.

## **AGENDA**

1. Prayers
2. Preliminaries/introduction
3. Communication from the Chair
4. Confirmation of Minutes
5. Matters Arising
6. Bills
7. Petition
8. Papers
9. Statements:-
10. Substantive Agenda:-
  - a) **Meeting with the Managing Director Bamboo Twist Limited regarding Plot Nos. MN/VI/1129-1132**
11. Any Other Business
12. Date of the Next Sitting

## **MINUTE NO. DCL/LN/2016/251**

## **MEETING WITH THE MANAGING DIRECTOR BAMBOO TWIST LIMITED REGARDING PLOT NOS. MN/VI/1128-1132**

Mr. Harji G. Ruda Director Bomboo Twist tabled information as annexed in the Minutes. He further informed the Committee as follow: - that,

1. The Company bought Plot Nos. MN/VI/1128-1132 since the land neighbors and is adjacent to the land where they are currently located and doing business and the aforementioned land was strategic in their Company's need to expand, and that they purchased the said land from five locals who were

- residing in the land but they claimed that though the land was allocated to them they were unable to raise the required monies to pay standard premiums, however before purchasing the land they conducted due diligence and found that the said parcels were acquired by the government of Kenya in 1974 for future urban development. However, the sellers produced a letter from the Town Clerk (now defunct) Municipal council of Mombasa indicating that the letter of allotment were genuine and further due diligence revealed that MN/VI/1133 and MN/VI/1134 were acquired by government of Kenya in 1976 and allocated to private individuals and titles seems to exist since 1985;
2. The Company bought parcels MN/VI/1128-1132 at a consideration of Kshs. 30M with the full knowledge that the said plots had been heavily invaded by squatters and in November 2013, the Company begun squatter resettlement programme and spent over Kshs. 32M settling squatters and the programme is still ongoing to date approximately 8 - 10 acres of plot No. MN/VI/1132 is invaded by squatters who have erected permanent structures;
  3. The Company wrote to the National Land Commission and the County Government of Mombasa with the view of surrendering 8 - 10 acres of plot MN/VI/1132 to the said squatters, however they are waiting for the title of the said land so that they can surrender it to the squatters;
  4. The Company learned that MN/VI/1128 was placed under review by National Land Commission and after presenting all the documents requested by the NLC, they received clearance from NLC and upon further due diligence they came across a report from the Senior Deputy Director Survey to the Cabinet Secretary Ministry of Lands and Physical Planning who upon request from Chief Executive Officer of the NLC, the report confirmed that all allotments and deed plans nos. for plot MN/VI/1128-1132 are genuine and originating from Land Office however, they later established that plot nos. MN/VI/1129 is claimed by three other people i.e. Ms. Faith Wathome, Mr. Paul Maina and Mr. Paul Ngare (in the allotment letter they used the Ministry of Land and Physical Planning postal address); and Plot Nos. MV/VI/1130 is claimed by Mssrs. Ruaro Investment Limited;
  5. Mr. William Githinji contacted the Company through a land broker claiming that he is in possession of the original title deed for MN/VI/1128 however, further inquiry established that the land was owned by Mathis & Sons before the 1974 compulsorily acquisition by the Government of Kenya; and
  6. On or around July/August, 2014 Awale Transporters Ltd visited the site and claimed ownership of MN/VI/1128-1134 and the dispute was launched at the District Commissioner in Changamwe who upon perusal of ownership documents confirmed that the land belongs to Bamboo Twist Ltd.

**MINUTE NO. DCL/LN/2016/253**

**ADJOURNMENT & DATE OF THE NEXT**

**SITTING**

There being no any other business, and the time being 12:30 pm the meeting was adjourned.

SIGNED.....

  
(CHAIRPERSON)

DATE.....

20/05/2017

**MINUTES OF THE 59<sup>th</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 28<sup>th</sup> JUNE 2016, BOARD ROOM OF FOURTH FLOOR PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 12.55 PM**

**PRESENT:**

- 1) The Hon. Alex Mwiru, M.P. - Chairperson
- 2) The Hon. John Kihagi, M.P.
- 3) The Hon. Francis W. Nderitu, M.P.
- 4) The Hon. Bernard Bett, M.P.
- 5) The Hon. Joseph Oyugi Magwanga, M.P.
- 6) The Hon. Benson Mbai, M.P.
- 7) The Hon. Kipruto Moi, M.P.
- 8) The Hon. Sarah Korere, M.P.
- 9) The Hon. Dr. Paul Otuoma, M.P.
- 10) The Hon. Esther Murugi, M.P.
- 11) The Hon. Shakila Abdallah, M.P.
- 12) The Hon. Hellen Chepkwony, M.P.
- 13) The Hon. Mpuru Aburi, M.P.
- 14) The Hon. Thomas Mwadeghu, M.P.
- 15) The Hon. Julius Ndegwa, M.P.

**ABSENT WITH APOLOGIES:**

- 1) The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
- 2) The Hon. Onesmus Ngunjiri, M.P.
- 3) The Hon. Francis Njenga Kigo, M.P.
- 4) The Hon. Kanini Kega, M.P.
- 5) The Hon. George Oner, M.P.
- 6) The Hon. Patrick Makau, M.P.
- 7) The Hon. Omar Mwinyi, M.P.
- 8) The Hon. Mathew L. Lempurkel, M.P.
- 9) The Hon. Suleiman Dori, M.P.
- 10) The Hon. Mutava Musyimi, M.P.
- 11) The Hon. Eusilah Ngeny, M.P.
- 12) The Hon. A. Shariff, M.P.
- 13) The Hon. Hezron Awiti Bollo, M.P.

## IN ATTENDANCE:

Hon. Gonzi Rai, MP - Member for Kinango Constituency

## KENYA NATIONAL ASSEMBLY

- |                         |                     |
|-------------------------|---------------------|
| 1. Mr. James Ginono     | Clerk Assistant I   |
| 2. Mr. Joshua Ondari    | Clerk Assistant III |
| 3. Mr. Emmanuel Muyodi  | Clerk Assistant III |
| 4. Ms. Mercy Wanyonyi   | Legal Counsel II    |
| 5. Ms. Rehema Chepkurui | Audio Officer       |

## MINUTE NO. DCL/LN/2016/228

## PRELIMINARIES

The chairman called the meeting to order at 12.55 p.m. with a word of prayer from him.

## MINUTE NO. DCL/LN/2016/229

## ADOPTION OF THE AGENDA

## AGENDA

1. Prayers
2. Preliminaries/introduction
3. Communication from the Chair
4. Confirmation of Minutes
5. Matters Arising
6. Bills
7. Petition
8. Papers
9. Statements:-
10. Substantive Agenda:-
  - Meeting with Hon. Gonzi Rai, MP Member for Kinango Constituency on:
    - i. Plot No. "A" Miritini LR. MN/VI/1128-1132
11. Any Other Business
12. Date of the Next Sitting

## MINUTE NO. DCL/LN/2016/230

## MEETING WITH HON. GONZI RAI, MP MEMBER FOR KINANGO CONSTITUENCY

Hon. Gonzi Rai, MP informed the Committee as follows: -

1. In 2000, **plot number MN/VI/1128** was registered as CR No. 59439 for a term of 99 years and on 18<sup>th</sup> November 2013 one Mr. Samuel Charo Kazungu transferred the same plot to Bamboo Twist Ltd. However, there are no documents supporting the title therefore a restriction (caveat) was placed against the title under section 76 of the land registration act

- in order to prevent any other further dealings;
2. **Plot number MN/VI/1129** was allocated to Ms. Faitha Lina Wathome, Mr. Paul Maina and Mr. James Ngari all of P.O Box 30450, Nairobi vide letter of allotment Ref. 62860/19 of February 2,000. However, there was no title deed registered in favor of them in Mombasa registry. Coincidentally there were records showing that plot MN/VI/1129 was registered as CR 59437 in favor of Mr. James Ngoro for a term of 99 years with effect from 1<sup>st</sup> January 2000. Nevertheless, there were no documents supporting the title and on 18<sup>th</sup> November, 2013 Mr. James Ngoro transferred the plot to Bamboo Twist Limited consequently a restriction was placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
  3. **Plot MN/VI/1130** is a double allocation for two allottees namely, Mssrs. Ruora Investment Ltd of P.O Box 59330 Nairobi vide letter of allotment no. 62860/19 dated 14<sup>th</sup> February 2000 and Mr. Andrew K. Kirongo of P.O Box 99948 Mombasa vide letter of allotment number 76474/VI dated 10<sup>th</sup> January 2000.
  4. On 17<sup>th</sup> December 2014, plot MN/VI/1130 was registered as CR 64350 in favor of Mr. Andrew Kirongo. There has not been any further transaction on the parcel. However, a restriction (caveat) was place against the title under section 76 of the land registration act in order to prevent any other further dealings; further there is no title registered in favor of Mssrs. Ruora Investmnet Ltd in Mombasa registry despite the letter of allotment issued to them;
  5. **Plot MN/VI/1131** was allocated to Mr. Joseph Marwa of P.O Box 96345 Mombasa vide letter of allotment Ref. 76474 dated 10<sup>th</sup> January 2000.
  6. On 17<sup>th</sup> December 2014 plot MN/VI/1131 was registered as CR 64351 in favor of Mr. Joseph Marwa. There has not been any further transaction on the parcel, However, restriction (caveat) was placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
  7. In 2000, **plot MN/VI/1132** was allocated to Mr. Abdalla Juma Ngozi and Mr. Badhili Elija Yaah of P.O Box 93016 Mombasa vide letter of allotment no. 62864/22 dated 14<sup>th</sup> February 2000. However, there is no title registered in favor of Mr. Abdalla Juma Ngozi and Mr. Badhili Elija Yaah;
  8. **Plot MN/VI/4055** was surveyed in November 1997 and measured 0.9463 Ha as reflected on survey map no. F/R281/97, this land is about 7.5 KM east of Miritini railway station. However, this map F/R289/97 had been superseded by survey map F/R410/139;
  9. **Plot MN/VI/4055** was allocated to Mssrs. Awale Transporters Ltd by the Commissioner of Land vide allotment letter Ref. 84015/11 dated 11<sup>th</sup> July, 1995 referring to as unsurveyed industrial plot no. "A" Miritini and on 26<sup>th</sup> January, 2013, the land was registered vide CR No. 59131 at Mombasa Land Registry and title issued in favor of Mssrs. Awale Transporters Ltd. However, the title was closed as it was subdivided into 30 portions namely MN/VI/8012-8042.
  10. **Plot MN/VI/8017 and MN/VI/8022** were resultant plots of subdivision of plot MN/VI/4055, but there is a discrepancy since the location of this mother title and the resultant plots are different and approximately 7.5 km apart and away and Plots MN/VI/8017 and 8022 were

surveyed in May 2013 as reflected on survey map no. F/R387/93.

11. The plot nos. MN/VI/8012 - MN/VI/8042 are not supported by the registration system in survey department;
12. The survey reflected by F/R387/93 was submitted to the Director of survey by Ms. E.M.J Kiguru (Licensed Surveyor) on 31<sup>st</sup> May, 2013 and the same was returned to the sender on 13<sup>th</sup> June, 2013 since it was rejected vide letter Reference CR 272745/VOL.45/60 dated 6<sup>th</sup> June, 2013. The purpose of the map was to subdivide MN/VI/4055;
13. The plan indicated that deed plans issued ranged from no. 348713 – 348738. These deed plans are not authentic because according to Ministry records deed plans Nos. 348709 – 348743 were issued on 26<sup>th</sup> February 2016 for LR. No. 9665/19806 – 966519840. The F/R 387/93 indicates that the deed plans were on 14<sup>th</sup> October 2013.
14. **Plot No. MN/VI/ 8017 and MN/VI/8022** were later amalgamated to form **MN/VI/5132** which was allocated to the Rwandese government and title issued; consequently, The Rwandese government surrendered the title for **MN/VI/3666** a plot claimed by Mssrs. Awale Transporters Ltd but has not been established whether Awale Transporters Ltd has a valid title.
15. Plot MN/VI/8017 falls on the same place as MN/VI/1128 and plot MN/VI/8022 falls on MN/VI/1129 hence they are overlapping and plot MN/VI/1128 and MN/VI/1129 have restriction and has been placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
16. **MN/VI/8017 (CR 61422) and MN/VI/8022 (CR 61417)** were surrendered by Mssrs. Awale Transporters to the government of Kenya in consideration of plot No. MN/VI/3666 which was previously registered in favor of the Republic of Rwanda;
17. Land parcels nos. **LR MN/VI/1128 - MN/VI/1132** which are in the proximity of Miritini railway station were surveyed in November 1952 and deed plans issued on 22<sup>nd</sup> October, 1953. The plots are reflected on survey map no. F/R65/14; and
18. **Plot MN/VI/1128 - MN/VI/1134** were resultant plots after subdivision of **MN/VI/784** of which survey was carried out in November 1952.

MINUTE NO. DCL/LN/2016/231

ADJOURNMENT & DATE OF THE NEXT  
SITTING

There being no any other business, and the time being 1:30 pm the meeting was adjourned.

SIGNED.....



(CHAIRPERSON)

DATE ..... 25/05/2017 .....

**MINUTES OF THE 58<sup>th</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 28<sup>th</sup> JUNE 2016, BOARD ROOM OF FOURTH FLOOR PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM**

**PRESENT:**

- 1) The Hon. Alex Mwiru, M.P. - Chairperson
- 2) The Hon. John Kihagi, M.P.
- 3) The Hon. Francis W. Nderitu, M.P.
- 4) The Hon. Bernard Bett, M.P.
- 5) The Hon. Joseph Oyugi Magwanga, M.P.
- 6) The Hon. Benson Mbai, M.P.
- 7) The Hon. Kipruto Moi, M.P.
- 8) The Hon. Sarah Korere, M.P.
- 9) The Hon. Dr. Paul Otuoma, M.P.
- 10) The Hon. Esther Murugi, M.P.
- 11) The Hon. Shakila Abdallah, M.P.
- 12) The Hon. Hellen Chepkwony, M.P.
- 13) The Hon. Mpuru Aburi, M.P.
- 14) The Hon. Thomas Mwadeghu, M.P.
- 15) The Hon. Julius Ndegwa, M.P.

**ABSENT WITH APOLOGIES:**

- 1) The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
- 2) The Hon. Onesmus Ngunjiri, M.P.
- 3) The Hon. Francis Njenga Kigo, M.P.
- 4) The Hon. Kanini Kega, M.P.
- 5) The Hon. George Oner, M.P.
- 6) The Hon. Patrick Makau, M.P.
- 7) The Hon. Omar Mwinyi, M.P.
- 8) The Hon. Mathew L. Lempurkel, M.P.
- 9) The Hon. Suleiman Dori, M.P.
- 10) The Hon. Mutava Musyimi, M.P.
- 11) The Hon. Eusilah Ngeny, M.P.
- 12) The Hon. A. Shariff, M.P.
- 13) The Hon. Hezron Awiti Bollo, M.P.

## IN ATTENDANCE:

### KENYA NATIONAL ASSEMBLY

- |                         |                     |
|-------------------------|---------------------|
| 1. Mr. James Ginono     | Clerk Assistant I   |
| 2. Mr. Joshua Ondari    | Clerk Assistant III |
| 3. Mr. Emmanuel Muyodi  | Clerk Assistant III |
| 4. Ms. Mercy Wanyonyi   | Legal Counsel II    |
| 5. Ms. Rehema Chepkurui | Audio Officer       |

### MINISTRY OF LANDS & PHYSICAL PLANNING

- |                              |                      |
|------------------------------|----------------------|
| 1. Prof. Jacob Kaimeny       | Cabinet Secretary    |
| 2. MMariamou El Maaway       | Principa Secretary   |
| 3. Mr. Peter Kahuho          | LS                   |
| 4. Mr. Barasa Wahunyo        | S.D.S Liason Officer |
| 5. Francis Orioki            | PLRO                 |
| 6. Mr. Paul Ndungu           | Ag. AD               |
| 7. Mr. A.A Ombima            | Ag. US               |
| 8. Mr. Terry Gathagu         | Chief State Council  |
| 9. Mr.Owino Jacob Cattwright | S.L.R.O              |

## MINUTE NO. DCL/LN/2016/224

## PRELIMINARIES

The chairman called the meeting to order at 11.15 A.m. with a word of prayer from him.

## MINUTE NO. DCL/LN/2016/225

## ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as hereunder after being proposed by the Hon.Shakila Abdalla, MP and Seconded by the Hon. Dr. Paul Otuoma, MP.

## AGENDA

1. Prayers
2. Preliminaries/introduction
3. Communication from the Chair
4. Confirmation of Minutes
5. Matters Arising
6. Bills
7. Petition
8. Papers
9. Statements:-
10. Substantive Agenda:-  
**Meeting with the Cabinet Secretary Ministry of Lands & Physical Planning on:**
  - i. Plot No. "A" Miritini LR. MN/VI/1128-1132
11. Any Other Business

12. Date of the Next Sitting

**MINUTE NO. DCL/LN/2016/226**

**MEETING WITH THE CABINET SECRETARY, MINISTRY  
OF LANDS AND PHYSICAL PLANNING**

Prof. Jacob Kaimenyi, Cabinet Secretary Ministry of Lands and Physical Planning accompanied by Ms. Mariam El. Maawy, Principal Secretary, informed the Committee as follows: -

1. In 2000, **plot number MN/VI/1128** was registered as CR No. 59439 for a term of 99 years and on 18<sup>th</sup> November 2013 one Mr. Samuel Charo Kazungu transferred the same plot to Bamboo Twist Ltd. However, there are no documents supporting the title therefore a restriction (caveat) was placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
2. **Plot number MN/VI/1129** was allocated to Ms. Faitha Lina Wathome, Mr. Paul Maina and Mr. James Ngari all of P.O Box 30450, Nairobi vide letter of allotment Ref. 62860/19 of February 2,000. However, there was no title deed registered in favor of them in Mombasa registry. Coincidentally there were records showing that plot MN/VI/1129 was registered as CR 59437 in favor of Mr. James Ngoro for a term of 99 years with effect from 1<sup>st</sup> January 2000. Nevertheless, there were no documents supporting the title and on 18<sup>th</sup> November, 2013 Mr. James Ngoro transferred the plot to Bamboo Twist Limited consequently a restriction was placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
3. **Plot MN/VI/1130** is a double allocation for two allottees namely, Mssrs. Ruora Investment Ltd of P.O Box 59330 Nairobi vide letter of allotment no. 62860/19 dated 14<sup>th</sup> February 2000 and Mr. Andrew K. Kirongo of P.O Box 99948 Mombasa vide letter of allotment number 76474/VI dated 10<sup>th</sup> January 2000.
4. On 17<sup>th</sup> December 2014, plot MN/VI/1130 was registered as CR 64350 in favor of Mr. Andrew Kirongo. There has not been any further transaction on the parcel. However, a restriction (caveat) was place against the title under section 76 of the land registration act in order to prevent any other further dealings; further there is no title registered in favor of Mssrs. Ruora Investmnet Ltd in Mombasa registry despite the letter of allotment issued to them;
5. **Plot MN/VI/1131** was allocated to Mr. Joseph Marwa of P.O Box 96345 Mombasa vide letter of allotment Ref. 76474 dated 10<sup>th</sup> January 2000.
6. On 17<sup>th</sup> December 2014 plot MN/VI/1131 was registered as CR 64351 in favor of Mr. Joseph Marwa. There has not been any further transaction on the parcel, However, restriction (caveat) was placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
7. In 2000, **plot MN/VI/1132** was allocated to Mr. Abdalla Juma Ngozi and Mr. Badhili Elija Yaah of P.O Box 93016 Mombasa vide letter of allotment no. 62864/22 dated 14<sup>th</sup> February 2000. However, there is no title registered in favor of Mr. Abdalla Juma Ngozi and Mr. Badhili Elija Yaah;
8. **Plot MN/VI/4055** was surveyed in November 1997 and measured 0.9463 Ha as reflected on

survey map no. F/R281/97, this land is about 7.5 KM east of Miritini railway station. However, this map F/R289/97 had been superseded by survey map F/R410/139;

9. **Plot MN/VI/4055** was allocated to Mssrs. Awale Transporters Ltd by the Commissioner of Land vide allotment letter Ref. 84015/11 dated 11<sup>th</sup> July, 1995 referring to as unsurveyed industrial plot no. "A" Miritini and on 26<sup>th</sup> January, 2013, the land was registered vide CR No. 59131 at Mombasa Land Registry and title issued in favor of Mssrs. Awale Transporters Ltd. However, the title was closed as it was subdivided into 30 portions namely MN/VI/8012-8042.
10. **Plot MN/VI/8017 and MN/VI/8022** were resultant plots of subdivision of plot MN/VI/4055, but there is a discrepancy since the location of this mother title and the resultant plots are different and approximately 7.5 km apart and away and Plots MN/VI/8017 and 8022 were surveyed in May 2013 as reflected on survey map no. F/R387/93.
11. The plot nos. MN/VI/8012 - MN/VI/8042 are not supported by the registration system in survey department;
12. The survey reflected by F/R387/93 was submitted to the Director of survey by Ms. E.M.J Kiguru (Licensed Surveyor) on 31<sup>st</sup> May, 2013 and the same was returned to the sender on 13<sup>th</sup> June, 2013 since it was rejected vide letter Reference CR 272745/VOL.45/60 dated 6<sup>th</sup> June, 2013. The purpose of the map was to subdivide MN/VI/4055;
13. The plan indicated that deed plans issued ranged from no. 348713 – 348738. These deed plans are not authentic because according to Ministry records deed plans Nos. 348709 – 348743 were issued on 26<sup>th</sup> February 2016 for LR. No. 9665/19806 – 966519840. The F/R 387/93 indicates that the deed plans were on 14<sup>th</sup> October 2013.
14. **Plot No. MN/VI/ 8017 and MN/VI/8022** were later amalgamated to form **MN/VI/5132** which was allocated to the Rwandese government and title issued; consequently, The Rwandese government surrendered the title for **MN/VI/3666** a plot claimed by Mssrs. Awale Transporters Ltd but has not been established whether Awale Transporters Ltd has a valid title.
15. Plot MN/VI/8017 falls on the same place as MN/VI/1128 and plot MN/VI/8022 falls on MN/VI/1129 hence they are overlapping and plot MN/VI/1128 and MN/VI/1129 have restriction and has been placed against the title under section 76 of the land registration act in order to prevent any other further dealings;
16. **MN/VI/8017 (CR 61422) and MN/VI/8022 (CR 61417)** were surrendered by Mssrs. Awale Transporters to the government of Kenya in consideration of plot No. MN/VI/3666 which was previously registered in favor of the Republic of Rwanda;
17. Land parcels nos. **LR MN/VI/1128 - MN/VI/1132** which are in the proximity of Miritini railway station were surveyed in November 1952 and deed plans issued on 22<sup>nd</sup> October, 1953. The plots are reflected on survey map no. F/R65/14; and
18. **Plot MN/VI/1128 - MN/VI/1134** were resultant plots after subdivision of **MN/VI/784** of which survey was carried out in November 1952.

MINUTE NO. DCL/LN/2016/227

ADJOURNMENT & DATE OF THE NEXT  
SITTING

There being no any other business, and the time being 12:48 pm the meeting was adjourned.

SIGNED.....



(CHAIRPERSON)

DATE.....

20/05/2017

**MINUTES OF THE 51<sup>ST</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY 2<sup>ND</sup> JUNE, 2016 AT MOMBASA COUNTY COMMISSIONER'S OFFICE 12.00 PM**

**PRESENT:**

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

**ABSENT WITH APOLOGIES:**

1. The Hon. Shakila Abdallah, M.P.
2. The Hon. Suleiman Dori, M.P.
3. The Hon. Esther Murugi, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. Mathew L. Lempurkel, M.P.
6. The Hon. Eusilah Ngeny, M.P.

**ABSENT WITHOUT APOLOGIES:**

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

**IN ATTENDANCE:**

**KENYA NATIONAL ASSEMBLY**

- |                        |                     |
|------------------------|---------------------|
| 1. Mr. James Ginono    | Clerk Assistant I   |
| 2. Mr. Joshua Ondari   | Clerk Assistant III |
| 3. Mr. Emmanuel Muyodi | Clerk Assistant III |
| 4. Mr. Noah Too        | Clerk Assistant I   |
| 5. Ms. Farida Ngasura  | Audio Officer       |

**MOMBASA COUNTY**

- |                        |                                                |
|------------------------|------------------------------------------------|
| 1. Mr. Maalim Mohammed | County Commissioner, Mombasa                   |
| 2. Mr. Korir           | Deputy County Commissioner, Jomvu Constituency |
| 3. Mr. Odhiambo        | County A.P Commandant, Mombasa                 |
| 4. Mr. Dickson Safari  | Registrar, Mombasa                             |
| 5. Ms. Rachel          | Surveyor, Mombasa                              |

**MINUTE NO. DCL/LN/2016/200**

**PRELIMINARIES**

The Chairman called the meeting to order at 12.15 p.m. with a word of prayer.

**MINUTE NO. DCL/LN/2016/201**

**MEETING WITH MR. MAALIM MOHAMMED, COUNTY COMMISSIONER, MOMBASA COUNTY**

The County Commissioner informed the Committee as follows, that:-

1. He once dealt with a case of squatters occupying the contentious land allegedly owned by Awale Transporters Ltd;
2. Awale Transporters Ltd later reached an agreement with squatters and he compensated, hence vacating from the said land;
3. Others issues later emerged where Rwandese Embassy was claiming ownership of the same land owned by Awale Transportes Ltd;

**MINUTE NO. DCL/LN/2016/202**

**MEETING WITH MR. SAFARI LAND REGISTRAR, & MS. RACHEL SURVEYOR MOMBASA COUNTY**

While appearing before the Committee, Mr. Safari informed the Committee as follows;

1. Plot MN/VI/4055 was registered on 25<sup>th</sup> January 2013 vide CR No. 59131 at Mombasa Land Registry. The land comprises of 66.3456 hectares and is registered in favor of Mssrs. Awale Transporters Limited, later the land was subsequently subdivided *into various subplots vide subdivision Nos. 8012 to 8042 (Orig. No. MN/VI/4055) CR. No. 61412-61441) and the title was closed on subdivision and a government restriction has been placed on the resultant subdivisions;*
2. Plot MN/VI/1128 was registered at Mombasa Land Registry on 3<sup>rd</sup> of April, 2013 as CR 59439 in favor of Mr. Samuel Kazungu Charo who subsequently, on 18<sup>th</sup> November, 2013

- transferred the same plot to Bamboo Twist Ltd;
3. Plot MN/VI/1129 was registered as CR 59437 on 3<sup>rd</sup> April, 2013 in favor of Mr. James Ngoro and on 1<sup>st</sup> November, 2013 he transferred the plot to Bamboo Twist Ltd;
  4. Grant documents regarding MN/VI/1130 was forwarded by the Chief Land Registrar vide letter Ref. 44092/12 dated 4<sup>th</sup> December, 2014 for registration purposes who then proceeded to register the grant on 17<sup>th</sup> December, 2014 as CR No. 64350 in favor of Mr. Andrew Kirongo. There has not been any further transaction on the parcel;
  5. Grant documents relating to MN/VI/1131 were forwarded by Chief Land Registrar vide letter Ref: 244093/20 dated 4<sup>th</sup> December, 2014 for registration purposes he proceeded to register the grants on 17<sup>th</sup> December, 2014 as CR 64351 in favor of Mr. Joseph Marwa;
  6. He received other forwarding letter and lease documents vide letter dated 22<sup>nd</sup> February, 2016 relating to the aforementioned parcels but he was unable to register them because the same parcels had already been registered in the registry therefore he returned the said leases to the Chief Land Registrar for further action;
  7. Plots MN/VI/8017 and MN/VI/8022 were surrendered to the Government of Kenya by Mssrs. Awale Transporters Ltd in consideration of the new grant in respect of CR MN/VI/3666 registered unto the Republic of Rwanda. The two parcels i.e MN/VI/8017 and MN/VI/8022 were amalgamated to create MN/VI/5132 which was allocated to the Rwandese Government; and
  8. Awale Transporters Limited surrendered plot No. MN/VI/8017 to 8022 so as to retain MN/VI/3666.

**MINUTE NO. DCL/LN/2016/203**

**MEETING WITH MS. RACHEL SURVEYOR MOMBASA COUNTY**

1. Plots Nos. MN/VI/1128-1132 and 3666 are found along Changamwe Miritini Road and in 1974 they were compulsorily acquired by the Government of Kenya under the Land Acquisition Act of 1965;
2. After compulsorily acquisition Plots Nos. MN/VI/1128-1132 were registered as MN/VI/4055 and later awarded to Awale Transporters Ltd, later MN/VI/4055 measuring 66.345 Ha was later sub-divided into several plots, and among them 8017 and 8022 were surrendered back to the government of Kenya by Awale Transporters Ltd. The surveyor received a letter from the Director – Land Administration to that effect on 3<sup>rd</sup> November 2014. The government of Kenya re-allocated the said two plots to Rwandese Embassy and it was registered as MN/VI/5132, measuring 25 hectares;
3. MN/VI/1128 and 1129 were allocated in 2000 and later transferred from Mr. Kazungu to Bamboo Twist on 18<sup>th</sup> November, 2013;
4. MN/VI/ 1130 and 1131 were registered in December, 2014 to Mr. Andrew Kirongo and Mr. Samwel Maruwa respectively and they haven't changed hands since then, however the Criminal Investigation Department (CID) was investigating the said plots and established that the same allotment letter was issued to different parties;


5. In February 2014, she received a request from the Chief Land Registrar to register MN/VI/1130 and MN/VI/1131 but she declined the request to register after discovering that the same plots had been registered before;
6. MN/VI/ 3666 was surrendered by the Rwandese Embassy for consideration of new title, MN/VI/5132; and,
7. In August 2015 a delegation from the Rwandese Embassy visited Mombasa Survey Department and requested to be shown where MN/VI/ 8017 and 8022 are located however on arrival they found that the beacons had been uprooted, The Embassy agreed with the Survey Department that once they are ready to use the land they will fix new beacons.

MINUTE NO. DCL/LN/2016/203

ADJOURNMENT & DATE OF THE NEXT  
SITTING

There being no any other business, and the time being 3.15 pm, the meeting was adjourned.

SIGNED

.....  
  
.....  
(CHAIRPERSON)

DATE

.....  
20/05/2017  
.....

**MINUTES OF THE 48<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 24<sup>TH</sup> MAY, 2016 IN THE BOARDROOM 4<sup>TH</sup> FLOOR PROTECTION, PARLIAMENT BUILDINGS AT 2.00 P.M.**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Francis W. Nderitu, M.P.
3. The Hon. Kipruto Moi, M.P.
4. The Hon. Bernard Bett, M.P.
5. The Hon. Kanini Kega, M.P.
6. The Hon. Mpuru Aburi, M.P.
7. The Hon. Sarah Korere, M.P.
8. The Hon. George Oner, M.P.
9. The Hon. Thomas Mwadeghu, M.P.
10. The Hon. Hellen Chepkwony, M.P.
11. The Hon. Joseph Oyugi Magwanga, M.P.
12. The Hon. Omar Mwinyi, M.P.

**ABSENT WITH APOLOGIES**

1. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
2. The Hon. Patrick Makau, M.P.
3. The Hon. Benson Mbai, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. Dr. Paul Otuoma, M.P.
6. The Hon. Mathew L. Lempurkel, M.P.
7. The Hon. Francis Kigo Njenga, M.P.
8. The Hon. Onesmus Ngunjiri, M.P.
9. The Hon. A. Shariff, M.P.
10. The Hon. Mutava Musyimi, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. John Kihagi, M.P.
13. The Hon. Suleiman Dori, M.P.
14. The Hon. Hezron Awiti Bollo, M.P.
15. The Hon. Esther Murugi, M.P.
16. The Hon. Shakila Abdallah, M.P.

**ABSENT WITHOUT APOLOGY**

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

## IN ATTENDANCE

### MINISTRY OF LAND HOUSING & URBAN DEVELOPMENT

- |                               |                              |
|-------------------------------|------------------------------|
| 1. Mr. Dick James Safari      | Registrar of Titles Mombasa  |
| 2. Mr. Jacob Cattwright Owino | Registrar of Tittles Nairobi |

### KENYA NATIONAL ASSEMBLY

- |                         |                     |
|-------------------------|---------------------|
| 1. Mr. James Ginono     | Clerk Assistant I   |
| 2. Mr. Joshua Ondari    | Clerk Assistant III |
| 3. Mr. Muyodi Emmanuel  | Clerk Assistant III |
| 4. Mr. Noah Too         | Researcher          |
| 5. Mr. Jonathan Lemurt  | Budget Officer      |
| 6. Ms. Rehema Chepkurui | Audio Officer       |

### MINUTE NO. DCL/LN/2016/186

### PRELIMINARIES

The Chairman called the meeting to order at 2.15 p.m. with a word of prayer.

### MINUTE NO. DCL/LN/2016/187

### MEETING WITH MR. DICK JAMES SAFARI, LAND REGISTRAR MOMBOSA

While appearing before the Committee, Mr. Dick James Safari Registrar of Titles Mombasa informed the Committee as annexed. He further informed the Committee as follows

Chief Land Registrar forwarded him the forwarding letter for the registration of plots MN/VI/1129 and MN/VI/1130. After cross checking the correspondence he found that the said plots had not been registered. He went further and registered the mentioned plots.

However, when registering MN/VI/1129 and MN/VI/1130 he did not counter check the H-Book because the Chief Land Registrar had forwarded it as a new grant;

Later when plot MN/VI/1130 and MN/VI/1131 were forwarded to him by the Chief Land Registrar, he did due diligence and requested for the correspondence file. He was informed that there was no file.

The officer reported that he was not able to trace the forwarding letter for MN/VI/4055

The LR emanates from survey department in Nairobi so it was not possible for the Officer to get deed plans with the same number;

The Officer reported the challenges of files being misplaced. Whenever grants are forwarded with different number it became hard for the officer to determine whether the land had been registered;

The alleged that there are rumors of title deeds being issued irregularly. He further reported that there are officers under investigation.

MINUTE NO. DCL/LN/2016/188

ADJOURNMENT

There being no other business, and the time being 5.30 p.m. the meeting was adjourned.

SIGNED: .....

  
(CHAIRPERSON)

DATE: .....

20/05/2017

**MINUTES OF THE 47<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 24<sup>TH</sup> MAY, 2016 IN THE BOARDROOM 4<sup>TH</sup> FLOOR PROTECTION, PARLIAMENT BUILDINGS AT 10.00 A.M.**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Francis W. Nderitu, M.P.
3. The Hon. Kipruto Moi, M.P.
4. The Hon. Bernard Bett, M.P.
5. The Hon. Kanini Kega, M.P.
6. The Hon. Mpuru Aburi, M.P.
7. The Hon. Sarah Korere, M.P.
8. The Hon. George Oner, M.P.
9. The Hon. Thomas Mwadeghu, M.P.
10. The Hon. Hellen Chepkwony, M.P.
11. The Hon. Joseph Oyugi Magwanga, M.P.
12. The Hon. Omar Mwinyi, M.P.

**ABSENT WITH APOLOGIES**

1. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
2. The Hon. Patrick Makau, M.P.
3. The Hon. Benson Mbai, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. Dr. Paul Otuoma, M.P.
6. The Hon. Mathew L. Lempurkel, M.P.
7. The Hon. Francis Kigo Njenga, M.P.
8. The Hon. Onesmus Ngunjiri, M.P.
9. The Hon. A. Shariff, M.P.
10. The Hon. Mutava Musyimi, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. John Kihagi, M.P.
13. The Hon. Suleiman Dori, M.P.
14. The Hon. Hezron Awiti Bollo, M.P.
15. The Hon. Esther Murugi, M.P.
16. The Hon. Shakila Abdallah, M.P.

**ABSENT WITHOUT APOLOGY**

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

## IN ATTENDANCE

### NATIONAL LAND COMMISSION

1. Abdulkadir Adan Khalif      Commissioner

### KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono              Clerk Assistant I
2. Mr. Joshua Ondari            Clerk Assistant III
3. Mr. Muyodi Emmanuel      Clerk Assistant III
4. Mr. Noah Too                  Researcher
5. Mr. Jonathan Lemurt         Budget Officer
6. Ms. Rehema Chepkurui      Audio Officer

### MINUTE NO. DCL/LN/2016/181

### PRELIMINARIES

The Chairman called the meeting to order at 10.15 a.m. with a word of prayer.

### MINUTE NO. DCL/LN/2016/183

### MEETING WITH MR. ABDIKADIR KHALIF, COMMISSIONER      NATIONAL      LAND COMMISSION

While appearing before the Committee, Mr. Abdikadir Khalif informed the Committee as follows:

1. On 20<sup>th</sup> November, 1973 vide letter Ref: 2859/221 the Commissioner of Lands requested the Permanent Secretary Ministry of Lands and settlement for authority to compulsorily acquire the parcels. Consequently, a Notice of intention to acquire parcels and notice of inquiry were published vide gazette notice no. 248 and 249 of 25<sup>th</sup> January 1974. The parcels were later paid for through A and B Patel and Patel Advocates and thereafter became public property;
2. Application for industrial plots by Awale to commissioner of lands dated 15<sup>th</sup> April, 1986 where Awale explained that he has developed in Miritini and wishes to apply for formalization of allocation whereupon a Letter of allotment Ref; 49251/10 dated 11<sup>th</sup> May, 1995 was issued and also the Commissioner of Lands letters allotment nos. 123790/4 and 9 both dated 28<sup>th</sup> April, 1989 in favor of Hon. Ayub Arap Chepkwnny were issued and two sub plots were created out of MN/VI/1132 namely 3667 (deed plan no. 140501) and MN/VI/3668 (deed plan no.142502). This allocation was invalid because MN/VI/1132 ceased to exist and any allocation should have come out of a re-planned government land after acquisition and No further action on this allocation nor any evidence of any payments or grant preparation were found after the initial steps;

3. Letter of allotment Ref: 84015/II dated 12<sup>th</sup> July 1995 for 66.4 Ha of Industrial Plot No. A Miritini in favor of Awale Transporter Ltd and although not stated this looks like an illegal amalgamation of MN/VI/1128-1132 which was numbered later as MN/VI/4055. This was an illegal amalgamation and allocation of publicly procured property;
4. On 22<sup>nd</sup> February 1996, following the Commissioners of Lands' letter of allotment Ref: 90750/6/91 for MN/VI/1131 in favor of Mssrs. Jet link Ltd for four subplots MN/VI/3813 (Deed Plan No. 203250), MN/VI/3814 (Deed Plan No. 203251), MN/VI/3815 (Deed Plan No. 203252) and MN/VI/3816 (Deed Plan No. 203253) were prepared and issued and the letter for allotment for MN/VI/1131 was null and void because the parcel ceased to exist after compulsory acquisition;
5. A letter of allotment Ref: 90750/ XIV of 10<sup>th</sup> November 1997 for Uns. Light industrial plot no. "A" in favor of Gopal Construction Company of P.O Box 82904 Mombasa. PDP No. 12.3.CT.331.96 refers to above plot. The plot area is 1.00 Ha File No. 195109. This parcel could be the real MN/VI/4055 but this entry was an attempt to clarify where MN/VI/ 4055 is actually located;
6. A copy of grant No. CR. 30827 for MN/VI/3666 in favor of Awale Transporters Ltd was registered on 24<sup>th</sup> November 1997 and following this application a letter of allotment was prepared for MN/VI/3666 in favor of Awale transporters Ltd and another copy of grant No. CR. 30827 for MN/VI/3666 in favor of the Republic of Rwanda was registered on 25<sup>th</sup> November, 1997 this happened one day after a grant of the same plot in favor of Awale was registered in Mombasa; The Commissioner of Lands letter Ref: 116488/II/50 of 28<sup>th</sup> November, 1997 addressed to the registrar of titles Mombasa forwarding land documents for MN/VI/3666 in favor of Awale, the Commissioner of lands ordered the registrar in Mombasa to register 3666 in favor of Awale Transporters Ltd, however, the registrar gave two conflicting instructions;
7. The following allocation are null and void because these plots were not available for allocation since the said plots ceased to exist after government acquisition;
  1. Letter of allotment Ref: 76474/VI of 10<sup>th</sup> January 2000 for MN/VI/1132 in favor of David Gathoke,
  2. Letter of allotment Ref: 76474/VI of 10<sup>th</sup> January 2000 in favor of Samwel Charo Kazungu for MN/VI/1128,
  3. Letter of allotment Ref: 76474/VI of 10<sup>th</sup> January 2000 in favor of Joseph Marwa for parcel MN/VI/1131,
  4. Letter of allotment in favor of Andrew Kirongo Ref: 76474/VI of 10<sup>th</sup> January 2000 for MN/VI/1130,
  5. Letter of allotment Ref: 76474/VI of 10<sup>th</sup> January 2000 in favor of James Ndoro was written for parcel MN/VI/1129,
8. He submitted that the under-listed allocations are illegal, null and void because of double allocations;

- a) Letter of allotment Ref: 62864/22 of 14<sup>th</sup> February 2000 was issued to Abdalla Jumaa Ngozi and Badhili Elija Yaa for MN/VI/1132. The same plot had been allocated to Hon. Yakub Arap Chepkwony and David Gatoke. Both allocations were illegal;
  - b) Letter of allotment Ref: 62860/19 of 14<sup>th</sup> February 2000 for MN/VI/1130 in favor of Ruora Investment Ltd. This allocation was illegal since the same had been allocated to Andrew Kirongo. Both allocations were illegal;
  - c) Letter of allotment Ref: 62860/19 in favor of Faith Lina Wathome, Paul maina and James Ngari for MN/VI/1129 of 1<sup>st</sup> February, 2000 was issued on 1<sup>st</sup> February, 2000. This allocation is illegal since the same parcel had been illegally allocated to James Ndoro on 1<sup>st</sup> January, 2000;
9. On 20<sup>th</sup> March, 2008 vide letter of allotment Ref: 62864/15 plot MN/VI/1132 was allocated to the government of Uganda for dry dock purposes, this was the fourth allocation of the said parcel and a letter from the Uganda High Commission Ref: CX/55/(B) dated 31<sup>st</sup> July, 2008 confirms allocation of parcels of land on Yusufu Lule Road Kampala to the government of Kenya as reciprocal gesture for the allocation of MN/VI/1132 and a letter Ref: 70009/XV/141 dated 30<sup>th</sup> January, 2005 to PS/SC and H.P.S Ambassador Muthaura addressed from the Ministry of Lands concerning the allocation of MN/VI/1132 to the government of Uganda. This was manifestation of the High-level government interest and involvement in making the allocation happen successfully;
  10. A Letter from the Hon. James Orengo, the then minister for lands, Ref: MIN/MOL/GEN VOL1 dated 9<sup>th</sup> March, 2009 addressed to Provincial Commissioner, Coast Province advising him to stop any advance action to demolish Awale property while the Ministry determines the true status of MN/VI/3666. This was after a threat by the government to demolish Awale complex;
  11. Letter Ref: CR 272 VOL 9/93 dated 4<sup>th</sup> December, 2012 from the Director of Surveys addressed to the Commissioner of Lands seeking clarification on multiple allocations and subdivisions of MN/VI/1128-1132;
  12. A Grant of MN/VI/4055 (Which is an amalgamation of MN/VI/1128-1132) in favor of Awale Transporters Ltd for a term of 99 years with effect from 1<sup>st</sup> July 1995 and registered at Mombasa registry on 18<sup>th</sup> February, 2013, this was an irregular transaction because there is no evidence of due process having been followed. the said parcels were not available for amalgamation since they ceased to exist as a single unit and any allocation of any space within the confines of former MN/VI/1128-1132 must come after re-planning and that was the purpose of compulsory acquisition therefore, a copy of a grant of MN/VI/4055 in favor of Awale registered on 18<sup>th</sup> February 2013 is an illegal amalgamation whose grant cannot and do not exist;
    - a) A Notification of approval by Mombasa County Government of MN/VI/4055 for Awale Transporters Ltd dated 5<sup>th</sup> April, 2013 is a

grossly irregular transaction because there can never be an approval of a subdivision for property that does not legally exist;

- b) A Subdivision recommendation of MN/VI/4055 by district land officer dated 8<sup>th</sup> April, 2013 is a grossly irregular transaction since there can never be an approval of a subdivision for property that does not legally exist;
  - c) A Certificate of subdivision for MN/VI/4055 for plots MN/VI/8012 – 8042 From Mombasa county government dated 21<sup>st</sup> September, 2013 is a grossly irregular transaction since there can never be an approval of subdivision for property that does not legally exist;
  - d) The Subdivision of MN/VI/4055 into 31 sub-plots approved by Mombasa county government dated 21<sup>st</sup> October, 2013 were registered at Mombasa registry in favor of Awale Transporters Ltd, these subdivisions were done for an individual after or/ from an amalgamation that was nullified and therefore All resultant parcel should be reclaimed for the public and their allocation subjected to the normal process of law of normal allocations of public land;
  - e) A letter from an advocate dated 28<sup>th</sup> October, 2013 representing owners of MN/VI/3638, 3640, 3667 and 3668 writing to the registrar complaining that MN/VI/4055 is encroaching on their client's properties those parcels are subdivisions of acquired parcels which do not technically and legally exist;
  - f) New rent schedule for MN/VI/8012-8042 from Mombasa county government dated 3<sup>rd</sup> December, 2013 - this land schedule is irrelevant since the said parcel do not exist;
  - g) Rate clearance certificate from Mombasa County government for MN/VI/4055 dated 8<sup>th</sup> December, 2013 is a grossly irregular transaction since there can never be a clearance certificate of subdividing a property that does not legally exist;
13. The Director of survey letter Ref: CR 2744/VOL45/106 and Ref: CR 2745/VOL45/107 all dated 29<sup>th</sup> November, 2013 to the Chairman National Land Commission requesting for confirmation whether the letter of allotment for MN/VI/ 1130 and MN/VI/1129 in favor of Ruara Investment Ltd and Faith Lina Wathome respectfully is genuine or not and Authentication slips for MN/VI/1129 and 1130 was written by the Director of Survey to a licensed Surveyor Mr. Edward Kiguru informing him that his surveys on F/R560/39 and 40 had been approved, the Director's letters are Ref: 2747/VOL45/126 and 127 dated 21<sup>st</sup> February, 2014 respectively however, this procedure was unnecessary because re-establishment of acquired parcel is illegal and the Director of Surveys cannot purport to allocate government land as he seems to have done and go right ahead to re-establish the parcels in their original form;

14. An application for allocation of MN/VI/1132 by Badhili Elija Yaah, Abdalla Juma Ngozi, John Mugo Njeru, to the Chairman National Land Commission dated 12<sup>th</sup> March, 2014 was received requesting for a dry dock and the Chairman of the NLC requested for the ground status report meanwhile a suspected letter of allotment in favor of the three applicants above surfaced, the letter of allotment Ref: 62864/22 was back-dated to 16<sup>th</sup> February, 2000. The applicants applied for the parcel on 12<sup>th</sup> March, 2014 and letter of allotment was dated 16<sup>th</sup> February 2000;
15. EACC commenced investigations into the allocation of MN/VI/1130 vide a letter Ref: EACC.6.16/IVOL.XXXII (32) dated 15<sup>th</sup> July, 2014. This letter was written to the Principal Secretary Ministry of Lands Housing and Urban Development instead it should have been addressed to National Land Commission it opened the opportunity for investigating suspicious fraud;
16. A letter Ref: MFA.REL/13/46 dated 11<sup>th</sup> September, 2014 from PS Foreign Affairs to Chairman NLC requesting for a speedy processing of alternative parcel of land for Rwanda and there are Excerpts of Minutes by the National Lands Commission meeting held on 12<sup>th</sup> March, 2015 stating the resolution of the Commission to seek alternative land for the Rwandese.
17. A Letter Ref: ATL/NLC/01/14 dated 21<sup>st</sup> October by Awale to the Chairman National Land Commission surrendering MN/VI/8017 and 8022 where Awale opted not to present himself for the review process for MN/VI/1128-1132. He decided to surrender titles voluntarily and the Chairman's NLC's letter Ref: NLC/CHAIRMAN/VOL.VII/105 dated 30<sup>th</sup> October, 2014 to the Principal Secretary, Ministry of Foreign affairs on donation of land for the Rwandese Government done after alternative land was found;
18. The Ministry of lands Housing and Urban Development moved to survey, consolidate and register the acquired parcels and a letter Ref; 286253/55 dated 3<sup>rd</sup> November, 2014 by Director of Land Administration, National Land Commission to county land registrar Mombasa through Chief Land Registrar forwarding the surrender by Awale of MN/VI/8017 and 8022 the Commission received the surrender of the said parcel from Awale and forwarded them to land registrar Mombasa;
19. The governments of Rwanda vide a letter Ref: 1472/09.04/23/14 dated 1<sup>st</sup> October, 2014 and Ref: 151/11.11.16/2015 of February, 2015, accepted grant for the parcels MN/VI/8017 and 8022 after site inspection conducted by the Ministry of Lands Housing and Urban Development in coordination with Ministry of Foreign Affairs of Kenya which was in line with government efforts to resolve the long standing and embarrassing issues of land for Rwanda even after the government of Rwanda gave Kenya a prime property in downtown Kigali,
20. A copy of certificate of postal search on 5<sup>th</sup> November, 2014 for MN/VI/8017 (CR 61417) showing the surrender of parcel by Awale Transporters to the government of Kenya and this was a proof that the said parcels were unencumbered public property available for public use;

21. The Legal department of National Land Commission advised the Chairman about the suspected letter of allotment for parcel number MN/VI/1132. The internal memo is Ref: 62864/30 dated 11<sup>th</sup> November, 2014;
22. Letter dated 1<sup>st</sup> December 2014 from Chief Land Registration officer Mombasa insisting that CR 59131 exists correctly and the grant is valid. This shows how Mombasa and Nairobi Land offices no longer work together. This is the root cause of land fraud at the Coast;
23. The report on Rwandan Embassy land written by the Director of Survey to the Cabinet Secretary, Ministry of Lands, was requested by the Chief Executive Officer NLC vide a letter REF: CR 2745VOL45/182 dated 3<sup>rd</sup> December, 2014. The report does not mention the following: -
  - a) The compulsory acquisition of the parcels;
  - b) Does not recognize MN/VI/4055; MN/VI/4055 is not a consolidation of MN/VI/1128-1132;
  - c) Does not recognize the subdivision that created MN/VI/8012-8042 from MN/VI/4055: and those plots do not exist or available for allocation;
24. A Letter by the Chief Land Registrar to the Chief Land Registration Officer, Mombasa concerning parcel MN/VI/4055, CR. 59131 instructing him to put a government caveat on the parcel and all its subdivisions, Letter Ref: MSA/A/24 VOL.XIII/84 dated 4<sup>th</sup> December, 2014 never happened;
25. The Principal Secretary, Ministry of Lands, Housing and Urban Development's letter Ref: MLHU/ADM/HOU/9/5 of 12<sup>th</sup> February, 2015 to Director of Land Administration, National Land Commission forwarding letter of acceptance of grant of MN/VI/8017 and 8022 by Rwanda. After inspection, Rwandan Government through the Ministry for Foreign Affairs accepted the offer of MN/VI/8017 and 8022 which were amalgamated into MN/VI/5132;
26. A Letter from the Director of Surveys for MN/VI/5132 for consolidation of MN/VI/8017 and 8022 – Ref: CR. 2745/Vol.45/194 dated 13<sup>th</sup> April 2015. This was an acceptance by the Director of Surveys that MN/VI/5132 was correctly allocated and is public land available to Rwandan Government;
27. Chief Land Registrar's letter CLR/FL/VOL.I/62 dated 1<sup>st</sup> July 2015 to District Land Registrar Mombasa forwarding lease document for MN/VI/5132. These documents were registered in Mombasa and title issued to Government of Rwanda. The Ministry through Director of Surveys and the Chief Land Registrar finally accepted that previous correspondences, allocations, registrations and all other dealings in MN/VI/1128-1132 were illegal, null and void and that they no longer existed in their original form;
28. A Letter from County Planning and Architecture Director, Mombasa County Government asserting that all approval documents for subdivision of MN/VI/4055 were forgeries. The letter was dated 24<sup>th</sup> September 2015. It was noted that Mombasa County Government disowned the letters purportedly originating from them. This was confusion in all levels of government and how officers had turned

- their offices into private units with on government which cannot be held accountable;
29. Letter Ref: MFA/ADM 1/63 A Vol. XIII/(13) dated 29<sup>th</sup> September, 2015 to the Principal Secretary, Ministry of Lands, Housing and Urban Development concerning the grant of MN/VI/5132 (amalgamation of 8017 and 8022) awaiting exchange of titles. In this case the Ministry of Foreign Affairs was pushing for the exchange of titles of MN/VI/5132 and MN/VI/3666 in order to free MN/VI/3666 and commit MN/VI/5132;
  30. A Letter Ref: MFA.ADM 1/63A VOL.XIII (16) dated 1<sup>st</sup> October, 2015 to PS Lands confirming that the Ministry had executed the transfer of MN/VI/3666 in exchange for MN/VI/5132 on behalf of Government of Rwanda;
  31. Letter Ref: MFA.ADM A/63 A Vol. XIII (16) dated 1<sup>st</sup> October 2015 to inform that the Ministry had executed the surrender of title for land MN/VI/3666 in exchange for parcel of Land MN/VI/5132 as per request. Both governments had exchanged the documents and Rwanda had officially taken over MN/VI/5132 and had surrendered title to MN/VI/3666;
  32. A letter Ref: M/CG/VOL.1/25 dated November 2015 BY District Surveyor addressed to the Chairman, NLC exporting on land for Rwanda Government. The letter confirms that MN/VI/8017 and 8022 were surrendered to government by Awale so as to give Rwanda as was stated in NLC letter Ref: 286253/55 to the Chief Land Registrar dated 3<sup>rd</sup> November 2014. Those parcels were consolidated to form MN/VI/5132 and registered as CR. 65837 in favor of Rwanda;
  33. A letter from the Chairman of NLC to the Embassy of Rwanda and the Governor of Mombasa dated 20<sup>th</sup> January 2016 in which the letter sites determination of review of MN/VI/3666 for propriety of legality. The said review was allegedly done in Mombasa between 3<sup>rd</sup> and 6<sup>th</sup> August, 2015 and the Chairman categorically stated that the commission had determined that MN/VI/3666 belongs to the Government of Rwanda;
  34. Chairman NLC's letter Ref: NLC/CHAIRMAN/VOL.VX dated 9<sup>th</sup> February 2016 inviting Awale for a meeting to discuss MN/VI/3666, MN/VI/1128-1132 and MN/VI/4055. If a review had been done and determined was the meeting necessary?
  35. Attempts and incidents of gross malpractice to dispose off land with intention to Confuse the process by Chief Land Registrar to the District Land Registrar,
    - a) The Lease document for MN/VI/1132 in favor of Zakaria Simani Khazalwa letter forwarding from Chief Land Registrar to District Land Registrar, Mombasa Ref: 267040/7 of 18<sup>th</sup> February, 2016. This was yet another attempt to dispose off MN/VI/1132 but the date of registration of the lease is 4<sup>th</sup> February, 2016;
    - b) Lease document for MN/VI/1131 in favor of Andrew Mwita vide a letter Ref: 267039/7 dated 18<sup>th</sup> February 2016 from Chief Land Registrar to District Land

Registrar Mombasa. This was yet another attempt to dispose off MN/VI/1131 (Compounding fraud);

- c) Lease document for MN/VI/1128 in favor of Issak Locho vide a letter Ref: 267036/7 dated 18<sup>th</sup> February 2016 from Chief Land Registrar to District Land Registrar Mombasa. This was yet another attempt to dispose off MN/VI/1131(Compounding fraud);
  - d) Letter from Chief Land Registrar Mombasa Ref: CLR/FL/VOL37589 dated 22<sup>nd</sup> February, 2016 this was a schedule of lease documents for action for parcels MN/VI/1128-1132;
36. Letter from C.E.O N.L.C to Principal Secretary, Ministry of Foreign Affairs Ref: NLC/ADMIN/1 dated 9<sup>th</sup> March 2016 concerning surrender of title for MN/VI/3666 in exchange for grant of MN/VI/5132. This was the completion of the long process of allocating land to the Rwandese. The Commission insisted that the Rwandese physically take over and protect the land from squatters;
37. Review of grants and depositions of MN/VI/1128-1132 recommended for revocation. NLC determined that the said parcel were compulsorily acquired public land and were not available for allocation in their original state. The Commission's resolved to expunge records for MN/VI/1128-1132 from Mombasa registry records despite that resolution, instructions to the said registrar is awaiting Chairman's signature.

**MINUTE NO. DCL/LN/2016/185**

**ADJOURNMENT**


There being no other business, and the time being 12.30 p.m. the meeting was adjourned.

SIGNED: .....



(CHAIRPERSON)

DATE: .....





## MINISTRY OF LAND AND PHYSICAL PLANNING

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### MEETING WITH DEPARTMENTAL COMMITTEE ON LANDS

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- a) The Registration status for the parcels of MN/VI/1128, MN/VI/1129, MN/VI/1130, MN/VI/1131, MN/VI/1132, MN/VI/3666, MN/VI/8017, MN/VI/8022 and MN/VI/4055 AND,
- b) Any transfers and or transaction on the parcels of land aforementioned above since they were registered.

Honorable chair I wish to respond as follows,

#### MN/VI/1128

In the year 2000, plot number **MN/VI/1128** was registered as **CR NO.59439** for a term of 99 years, with effect from 1<sup>st</sup> January 2000.

However, there no documents supporting the title.

On 18<sup>th</sup> November 2013, S.C. Kazungu transferred the same plot to Bamboo Twist Limited (copy of title and transfer attached).

A restriction (caveat) has been placed against the title under section 76 of the **Land Registration Act** in order to prevent any further dealings. *(See copy of the title, transfer to Bamboo Twist, a highlight of sec 76 and a current search of the same– Annex 1)*

#### MN/VI/1129

This plot was allocated to Faith Lina Wathome, Paul Maina and James Ngari all of P.O.30450 Nairobi vide letter of allotment ref 62860/19 of 14<sup>th</sup> February 2000. *(See copy of the Allotment Letter marked as Annex 11)*

However, there is no title registered in favour of Faith Lina Wathome, Paul Maina and James Ngari at our Mombasa registry.

According to our records, the same plot is registered as CR59437 in favour of James Nodoro for a term of 99 years with effect from 1<sup>st</sup> January 2000.

However, there are no documents supporting the title.

On 18<sup>th</sup> November 2013, James Nodoro transferred the plot to Bamboo Twist Limited (copy of title and transfer attached).

**NOTE:** A restriction (caveat) has been placed against the title under section 76 of the **Land Registration Act** in order to prevent any further dealings (*See copy of title, Transfer to Bamboo Twist and current search of the same – Annex III*)

#### MN/VI/1130

This plot is a double allocation to two allottees namely; **Ruora Investment Limited** of P.O Box 59350 Nairobi vide letter of allotment number 62860/19 of 14<sup>th</sup> February 2000 and **Andrew K Kirongo** of P.O Box 99948 Mombasa vide Letter of allotment number **76474/VI** of 10<sup>th</sup> January 2000. (*Annex IV*) (*Annex V*)

On 17<sup>th</sup> December 2014 the plot was registered as **CR 64350** in favour of Andrew Kirongo. There has not been any further transaction on the parcel.

However, a restriction (caveat) has been placed against the title under section 76 of the **Land Registration Act** in order to prevent any further dealings (*See copy of title attached*) (*Annex VI*).

On the other hand, there is no title registered in favour of **Ruora Investment Ltd** at our Mombasa registry despite the letter of allotment issued to them.

#### MN/VI/1131

In the year 2000, this plot MN/VI/1131 was allocated to **Joseph Marwa** of P.O Box 96345 Mombasa vide letter of allotment Reference number 76474 of 10<sup>th</sup> January 2000. (*Annex VII*)

Bamboo Twist  
Annex

On 17<sup>th</sup> December 2014 the plot was registered as **CR 64351** in favour of Joseph Marwa. There has not been any further transaction on the parcel. (See copy of title attached). (*Annex VIII*)

A restriction (caveat) has been placed against the title under section 76 of the **Land Registration Act** in order to prevent any further dealings

#### MN/VI/1132

In the year, 2000 this plot was allocated to Abdalla Juma Ngozi and Badhili Elijah Yaah of P.O Box 93016 Mombasa vide letter of allotment number 62864/22 of 14<sup>th</sup> February 2000. (*Annex IX*)

Investigation at our Mombasa registry reveal that there is no title registered in favour of Abdalla Juma Ngozi and Badhili Elijah Yaah.

#### MN/VI/4055

This plot was allocated to Awale Transporters Limited by the commissioner of land vide allotment letter referenced 84015/11 (Attached) dated 12<sup>th</sup> July 1995 referring to unsurveyed industrial plot number 'A'MIRITINI. (*Letter of allotment is attached as Annex X*)

On 26<sup>th</sup> January 2013 the land was registered vide CR No 59131 at Mombasa land registry and title issued in favour of Awale Transporters. (*Copy of title attached –Annex XI*)

The title was however closed as it was subdivided in to 30 portions namely MN/VI/8012 to MN/VI/8042.

#### MN/VI/8017 ,MN/VI/8022 and MN/VI/3666

Plots No's MN/VI/8017, MN/VI/8022 emanated from a subdivision of MN/VI/4055 into 30 portions numbered MN/VI/8012 to MN/VI/8042 (*see copy of schedule of subdivision of MN/VI/4055-(Annex XI)*)

MN/VI/8017 (CR 61422) and MN/VI/8022 (CR 61417) were surrendered by Awale transporters to government of Kenya in consideration of PLOT No MN/VI/3666 which was previously registered in favour of the Republic of Rwanda.

MN/VI/8017 and MN/VI/8022 were later amalgamated to form MN/VI/5132, which was allocated to Rwandese Government and title issued (CR 65837) (see copy attached – Annex XIII)

The Rwandese Government surrendered the title for MN/VI/3666.

MN/VI/3666 is claimed by Awale transporters but it has not been established whether he has a valid title.

**a) The mapping status for the land parcels enumerated above;**

Land parcels nos. LR. MN/VI/1128-1132 which are in the proximity of Miritini Railway Station were surveyed in November, 1952 and deed plans for the plots issued on 22nd October 1953. The plots are reflected on survey map no. F/R 65/14. (Copy Attached)

Plots MN/VI/8017 and 8022 were surveyed in May 2013 as reflected on survey map no. F/R 387/93. (Copy attached)

Plot MN/VI/4055 was surveyed in November 1997 and measured 0.9463 ha approximately as reflected on survey map no. F/R 281/97.(Copy attached) This land is about 7.5 kilometres East of Miritini Railway Station and on the opposite side of the railway to the other land parcels mentioned above. However, this map is indicated to have been superseded by survey map F/R 410/139.

**b) Subdivisions and or amalgamations on the parcels of land enumerated above;**

Plots MN/VI/1128-1134 were resultant plots after subdivision of MN/VI/784, of which survey was carried out in November 1952.

Plots MN/VI/8017 and 8022 were resultant plots of subdivision of MN/VI/4055. However, there is a discrepancy since the locations of this mother title and the resultant plots are different, being 7.5Km apart.

To note is that the highest number of land parcel in section MN/VI is 5151 as at close of May, 2016. Therefore, the numbers MN/VI 8017-8042 are not supported by the registration system in Survey Department.

**c) The mapping status for the land parcels enumerated above;**

Land parcels nos. LR. MN/VI/1128-1132 which are in the proximity of Miritini Railway Station were surveyed in November, 1952 and deed plans for the plots issued on 22nd October 1953. The plots are reflected on survey map no. F/R 65/14. (Copy Attached)

Plots MN/VI/8017 and 8022 were surveyed in May 2013 as reflected on survey map no. F/R 387/93. (Copy attached)

Plot MN/VI/4055 was surveyed in November 1997 and measured 0.9463 ha approximately as reflected on survey map no. F/R 281/97.(Copy attached) This land is about 7.5 kilometres East of Miritini Railway Station and on the opposite side of the railway to the other land parcels mentioned above. However, this map is indicated to have been superseded by survey map F/R 410/139.

**d) Subdivisions and or amalgamations on the parcels of land enumerated above;**

Plots MN/VI/1128-1134 were resultant plots after subdivision of MN/VI/784, of which survey was carried out in November 1952.

Plots MN/VI/8017 and 8022 were resultant plots of subdivision of MN/VI/4055. However, there is a discrepancy since the locations of this mother title and the resultant plots are different, being 7.5Km apart.

To note is that the highest number of land parcel in section MN/VI is 5151 as at close of May, 2016. Therefore, the numbers MN/VI 8017-8042 are not supported by the registration system in Survey Department.

**e) Any overlaps on the parcels of land enumerated above;**

Plot MN/VI/8017 falls on the same place as MN/VI/1128 and plot MN/VI/8022 falls on MN/VI/1129.

**f) The origin and purpose of survey F/R 387/93;**

The Survey reflected by F/R 387/93 was submitted to Director of Surveys by Ms. E. M. J. Kiguru (licensed Surveyor) on 31/05/2013 and the same was returned to sender on 6<sup>th</sup> June, 2013 since it was rejected vide letter ref:CR 2745/VOL.45/60 of 13<sup>th</sup> June 2013. The purpose of the same was to subdivide MN/VI/4055.

The plan indicates that deed plans issued ranged from no. 348713-348738. These deed plans are not authentic because according to our records deed plans no. 348709-348743 were issued on 26<sup>th</sup> February 2016 for LR No. 9665/19806-9665/19840. The F/R 387/93 indicates that the deed plans were on 14<sup>th</sup> October 2013.

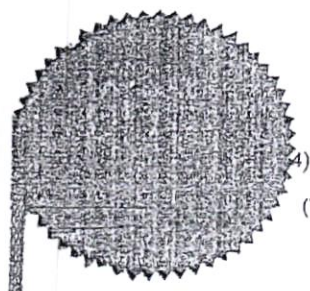
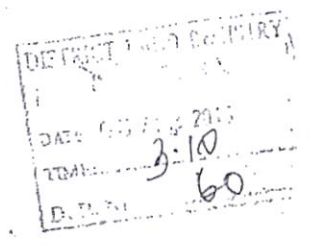
**Prof. Jacob T. Kaimenyi, PhD, FICD, EGH**  
**CABINET SECRETARY**

22<sup>nd</sup> JUNE, 2016

ANNEX



ANNEX 1



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT (Chapter 281)

GRANT NUMBER CR 59439 ANNUAL RENT: Ksh.137,000/- TERM: 99 years w.e.f. 1.1.2000

SD 1513 F. N. 18/5/13 (REVISABLE)

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings six hundred and eighty eight thousand (Ksh.688,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants unto SAMWEL CHARO KAZUNGU of MOMBASA (Post Office Box Number 2775)

(hereinafter called "the Grantee"). ALL that piece of land situate in Mombasa Municipality in District containing by measurement eight decimal two two nought (8.220) hectares or thereabouts that is to say L.R. No. MN/VI/1128 which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 51705 deposited in the Survey Records Office at Nairobi

CERTIFIED TRUE COPY FOR REVENUE D.A. Sal

TO HOLD for the term of ninety nine (99) years from the first day of January Two thousand

SUBJECT to (a) the payment in advance on the first day of January in each year of annual rent of shillings one hundred thirty seven thousand (Ksh.137,000/-) (Revisable) w.e.f. 1.1.2000 (b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

REVENUE OFFICE MOMBASA

P.T.O.



D. H. S. 100

REPUBLIC OF KENYA

DISTRICT OF MOMBASA

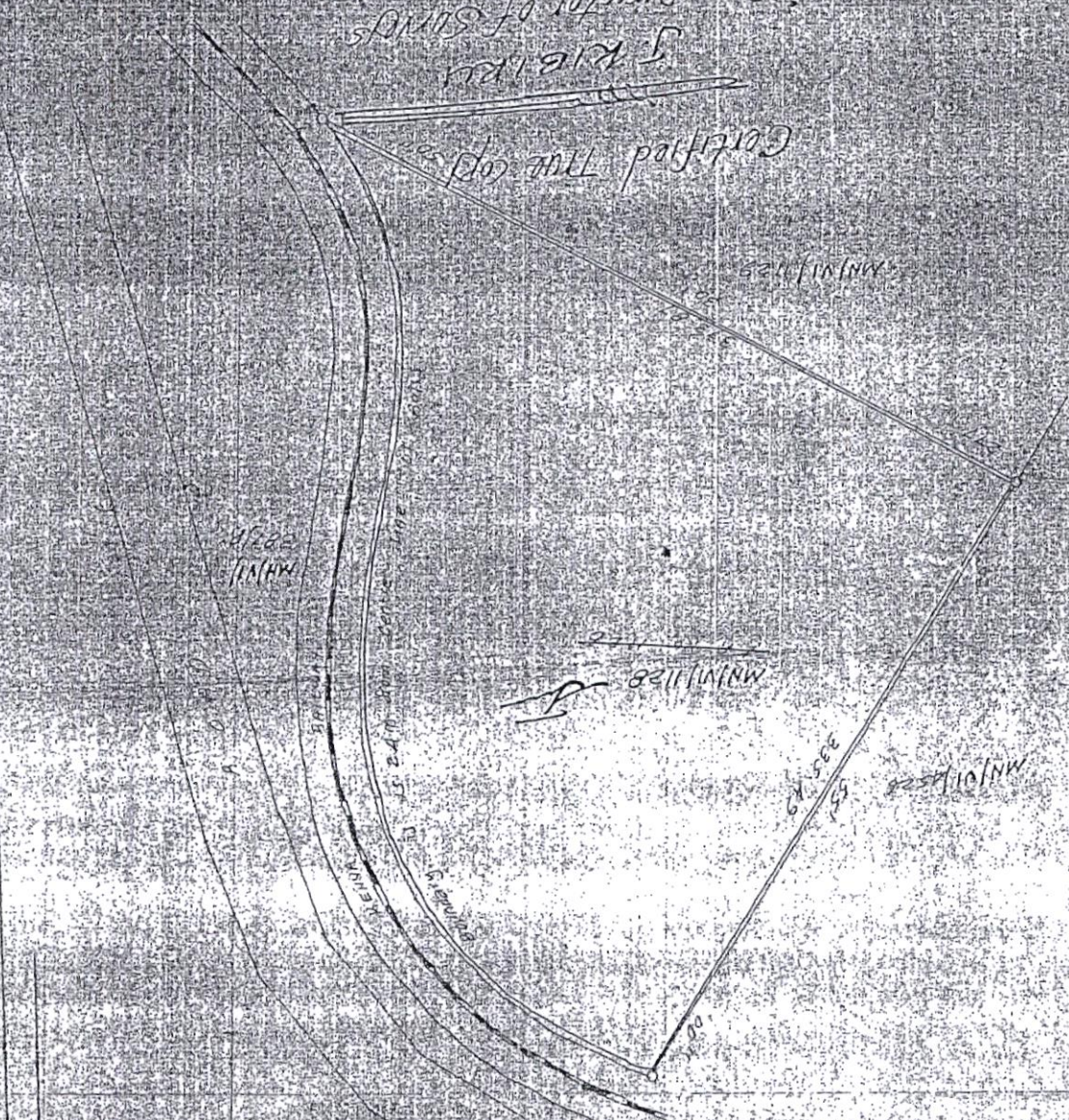
Locality MOMBASA Municipality

Reference Map South 6.571

Reference Map

Metres	Beating

Land Reference No. 1128  
 (Orig No. 1128)  
 Sub-division No. 1128 (Grid No. 78311)  
 of Section No. VI Mainland North  
 Area 2.2298 (Approx)



DEED PLAN NO. 51705  
 Nairobi  
 for Director of Surveys  
 J. KIBIKU

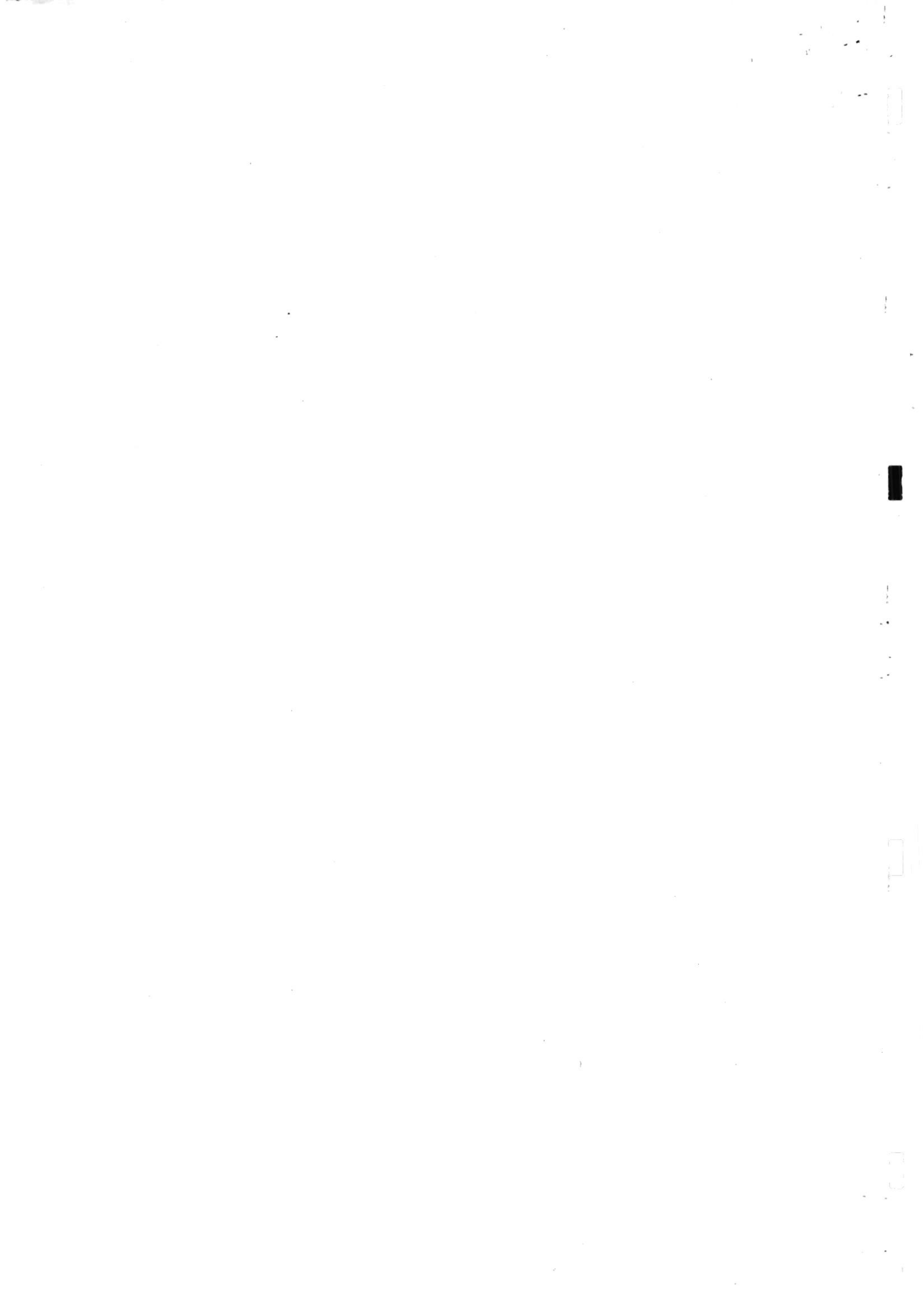
Scale 1 in = 1000

Checked by [Signature]

Fig. No. 65114

for Director of Surveys  
 Nairobi  
 J. KIBIKU

Certified True copy



14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
16. The Commissioner of Lands reserves the right to revise the annual ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or at the rate in force on the 31st December, 1988 whichever is the greater.
16. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, ZABLON AGWATA MABEA the  
 Commissioner of Lands have by order of the  
 President hereunto set my hand this 13th  
 day of February  
 Two thousand and thirteen  
 in the presence of:

*F. N. Orare*  
 REGISTRAR OF TITLES  
 F. N. Orare 217

DRAWN BY: -  
 F. N. ORARE  
 REGISTRAR OF TITLES  
 P.O. BOX 30089  
 NAIROBI

REGISTRATION NO. 39489/1  
 2nd FEBRUARY 1989  
 3:10 PM  
 REGISTRAR OF TITLES

*D. P. Safari* \*304

THE FOLLOWING IS THE  
 TRANSFER TO BAMBOO TOURS LIMITED

Registration No 385

18/1/89



TRANSFER OF LEASE

SAMWEL CHARO KAZUNGU  
(the "Transferor")

- TO -

BAMBOO TWIST LIMITED  
(the "Transferee")

---

in respect of land and buildings comprised in  
L.R. No.1128/VI/MN

---

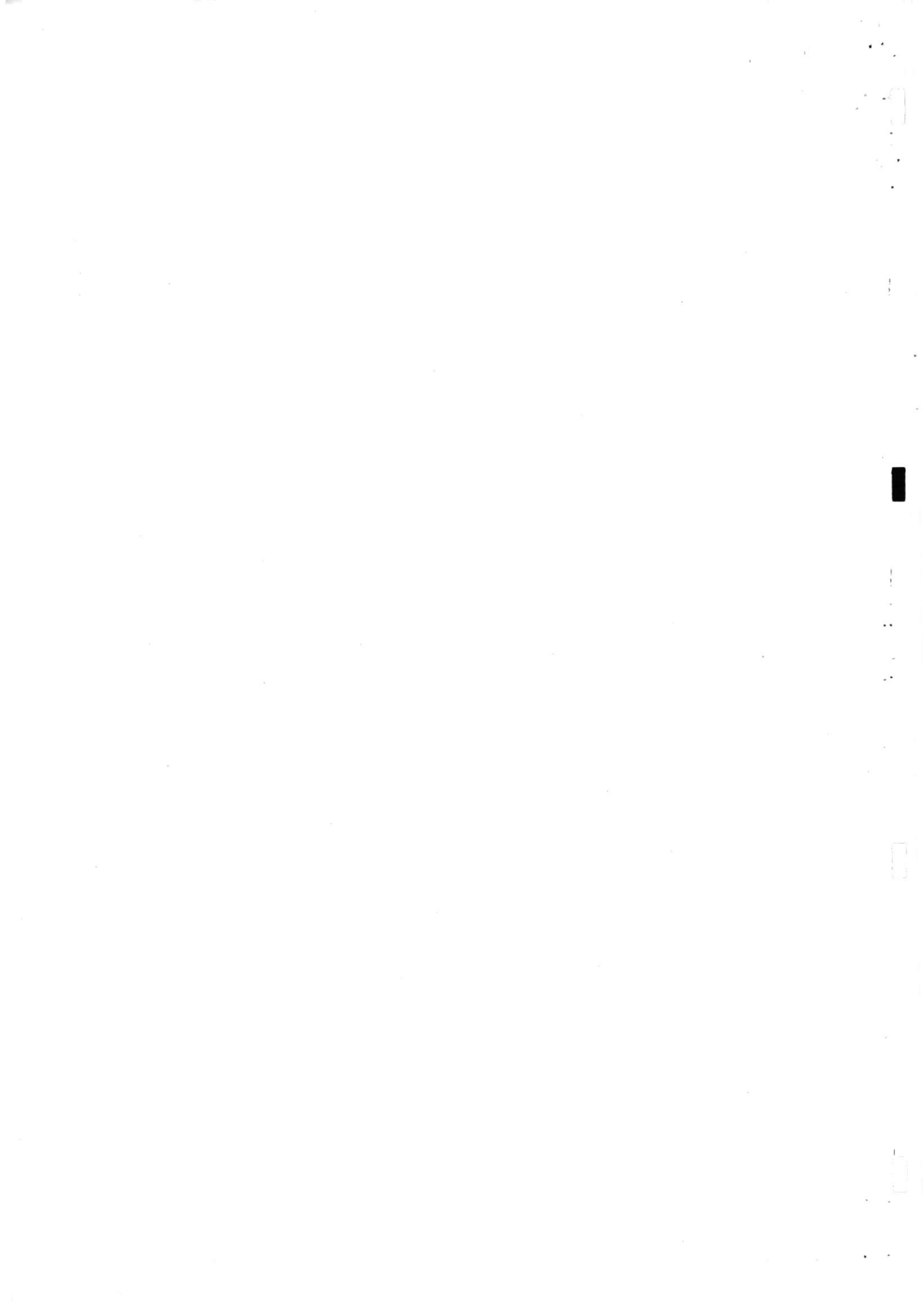
PRINCIPAL INSTRUMENT DATED  
WITH KRS/...  
LAND REGISTRATION

A. B. PATEL & PATEL  
ADVOCATES & NOTARIES  
P.O. BOX 80274  
ORIENTAL BUILDING  
NKRUMAH ROAD  
MOMBASA - 80100

TEL: 2226518/9 - 2225992  
0726 666 665  
0736 230 000  
FAX: 2228864

E-MAIL: [law@abpateladvocates.com](mailto:law@abpateladvocates.com)

*[Handwritten Signature]*  
D. J. Safari \*304



REPUBLIC OF KENYA

IN THE MATTER OF THE LAND ACT NO. 6 OF 2012  
IN THE MATTER OF THE LAND REGISTRATION ACT NO. 3 OF 2012 AND  
IN THE MATTER OF THE REGISTRATION OF TITLES ACT CAP 281 (REPEALED)

GRANT NUMBER C.R. 59439  
ANNUAL RENT: KSHS.137,000.00 (REVISABLE)  
TERM: 99 YEARS FROM 1.1.2000

TRANSFER OF LEASE

NO. 11: 30\*  
385

SAMWEL CHARO KAZUNGU Of Post Office Box Number 2775 Mombasa in the Republic of Kenya (hereinafter called "the Transferor" which expression where the context so admits shall include his heirs executors administrators and assigns) is registered as proprietor as lessee from the Government of Kenya for a term of ninety nine (99) years from the first day of January Two Thousand of ALL THAT piece of land situate Mombasa Municipality in the Mombasa District of the said Republic containing by measurement eight decimal two two nought (8.220) hectares or thereabouts that is to say Land Reference Number 1128/VI/Mainland North (Original No. 784/1) which said piece of land with its dimension abuttals and boundaries thereof is delineated more particularly on Land Survey and Map Number 51705 annexed to the Grant registered in the Land Titles Registry at Mombasa as C.R.No.59439/1 together with any improvements and structures thereon subject however to the such charges leases encumbrances and other matters specified in the Memorandum hereunder written (hereinafter called "the Property") IN CONSIDERATION of the sum of Kenya Shillings Five Million (KShs.5,000,000.00) paid to the Transferor by BAMBOO TWIST LIMITED a limited liability company incorporated in the Republic of Kenya having its registered office at Mombasa aforesaid and whose postal address is Post Office Box Number 83254 Mombasa-80100 aforesaid (hereinafter called "the Transferee" which expression where the context so admits shall include its successors and assigns) on or before the execution of these presents (the receipt of which sum the Transferor hereby acknowledge) DO HEREBY TRANSFER all his rights title and interest in and to the Property to the Transferee.

IN WITNESS WHEREOF the Transferor hereto has hereunto subscribed his name hereto and the Transferee hereto has hereunto caused its Common Seal to be affixed hereto this 6th day of NOVEMBER Two Thousand and Thirteen.

WITH WITNESSES 1

*[Signature]*  
D. A. Safari



THE TRANSFEROR

SIGNED by the said SAMWEL CHARO KAZUNGU  
in the presence of:-



*[Handwritten signature]*

ID/No. 1165596  
PIN No. ....

Signature: *[Handwritten signature]*

I CERTIFY that the above-named certify that the above the above photograph is a true likeness of Samwel Charo Kazungu and that he is the holder of the above referenced ID and PIN Card Numbers.



Signature and Designation of  
for Oaths  
Person Certifying

*[Handwritten signature]*

THE TRANSFEREE

THE COMMON SEAL of the said  
BAMBOO TWIST LIMITED was hereunto  
affixed in the presence of:-

DIRECTOR

*[Handwritten signature]*



ID/No. 540204711

PIN No. A000187227L

Signature.....

DIRECTOR/SECRETARY

*[Handwritten signature]*



ID/No. 8468243

PIN No. A000184954P

Signature.....

PRINCIPAL'S DUTY - STATED  
WITH KENS  
LANG

*[Handwritten signature]*  
D. J. Safari \*35



I hereby certify that the above photograph are the true likeness of HARJIT G. RUDA (holder of ID No. 540204711 & PIN No. 4000187277) and N.C. KANTU (holder of ID No. 8468243 & PIN No. 4000187277) being the directors/secretary of the Transferee and that the originals of their respective PIN & ID Cards were produced to me for verification.

**NAZIMA KASMANI**

ADVOCATE

P. O. Box 80274

MOMBASA - 80100

Signature and Designation of

Person Certifying

MEMORANDUM

1. Form of Transfer adopted from Form F of the Registration of Titles Act (Cap 281) (Now Repealed) pursuant to Section 108 of The Land Registration Act 2012.
2. The provisions of The Government Act (Chapter 280) (now repealed) and The Registration of Titles Act (Chapter 281) (now repealed)
3. The provisions of The Land Act 2012 and The Land Registration Act 2012.

DRAWN BY:-

A B PATEL & PATEL  
ADVOCATES & NOTARIES  
P O BOX 80274  
MOMBASA - 80100  
RTA TRANSFER OF LEASE - Plot No.1128

"Note: The person attesting the signature must authenticate the coloured passport size photograph, National ID Number and Tax PIN Number".

WITH K...

*Handwritten signature and stamp:*  
D. P. Sahani \*304



## REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi

Telephone: Nairobi 718050/9

Faith Lina Wathome, Paul  
Maina and James Ngari  
P.O. Box 30450, NAIROBI

DEPARTMENT OF LANDS

REGISTERED

P.O. Box 30089

NAIROBI

14th February....., 20.00..

Ref. No. 62860/19

SIR(S)/MADAM,

RE: L.R. MN/VI/1129 - MIRITINI - MOMBASA

## LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of .....  
County Council, hereby offers you a grant of the above plot shown edged red on the  
attached plan No. .... subject to your formal written acceptance of the  
following conditions and to the payment of the charges as prescribed hereunder:

AREA. 8.215 hectares (approximately).

TERM: 99 years from the 1.2.2000

STAND PREMIUM: Sh. 1,514,085/=

ANNUAL RENT: Sh. 302,820/=

} Subject to adjustment on survey, but  
} there is no claim for reduction in area on  
survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under  
the provisions of, the Government Lands Act (Cap. 280 of the Revised  
Edition the Laws of Kenya) and title will be issued under the Registration  
of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with  
banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	1,514,085.00
Rent from 1.2.2000 to 31.12.2000 .. .. .	277,585.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates .. .. on demand .. .. .	-
Stamp Duty .. .. .	66,620.00
Survey Fees .. .. .	-
Road and Road Drains .. .. on demand .. .. .	-
Others .. Approval fees .. .. .	2,000.00

Receipt No. .... Less Deposit .. .. .

TOTAL Sh. 1,861,790.00

[P.T.O

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event or prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



H. B. OSODO

for Commissioner of Lands

ENCL.

Y TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land/Rents.

Rates Assistant.

The Accountant.

O/C Records.

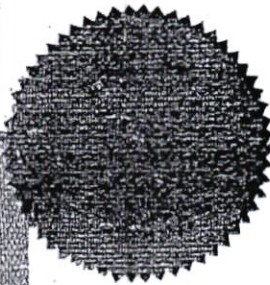
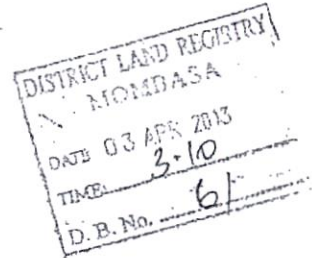
Senior Plan Record Officer.

Plot File.

} All to note.



ANNEX III



RM 4)  
(T/



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT  
(Chapter 281)

GRANT: NUMBER CR. 59437  
ANNUAL RENT: Ksh. 137,000/-  
TERM: 99 years w.e.f. 1.1.2000

SO E 1513  
F. N. 10/3/13  
Phase 277  
(REVISABLE)

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings six hundred and eighty eight thousand (Ksh.688,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants Unto JAMES NDORO OF SAMBURU (Post Office Box Number 20)

(hereinafter called "the Grantee ") ALL that piece of land situate in Mombasa Municipality in MOMBASA District containing by measurement eight decimal one three nought (8.130)

hectares ~~xxxx~~ or thereabouts that is to say L.R. No. MN/VI/1129

which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 51706 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the first day of January Two thousand ~~xxxx~~

SUBJECT to (a) the payment in advance on the first day of January

in each year of annual rent of shillings one hundred and thirty seven thousand (Ksh.137,000/-) (Revisable) w.e.f. 1.1.2000

(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

[P.T.O.]

Stamp: RECORDED  
Signature: D. J. Safari  
Number: 304

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that he is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
  - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
  - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for inoffensive light industrial purposes with ancillary offices and stores.
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 100 square feet may be provided for a caretaker or night watchman or such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
10. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
11. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
12. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.

# REPUBLIC OF KENYA

DISTRICT OF MOMBASA

Locality Mombasa Municipality

Reference Map South B 37  
D. II. 2

Station	Bearing	Distance	Remarks
1			
2			
3			
4			

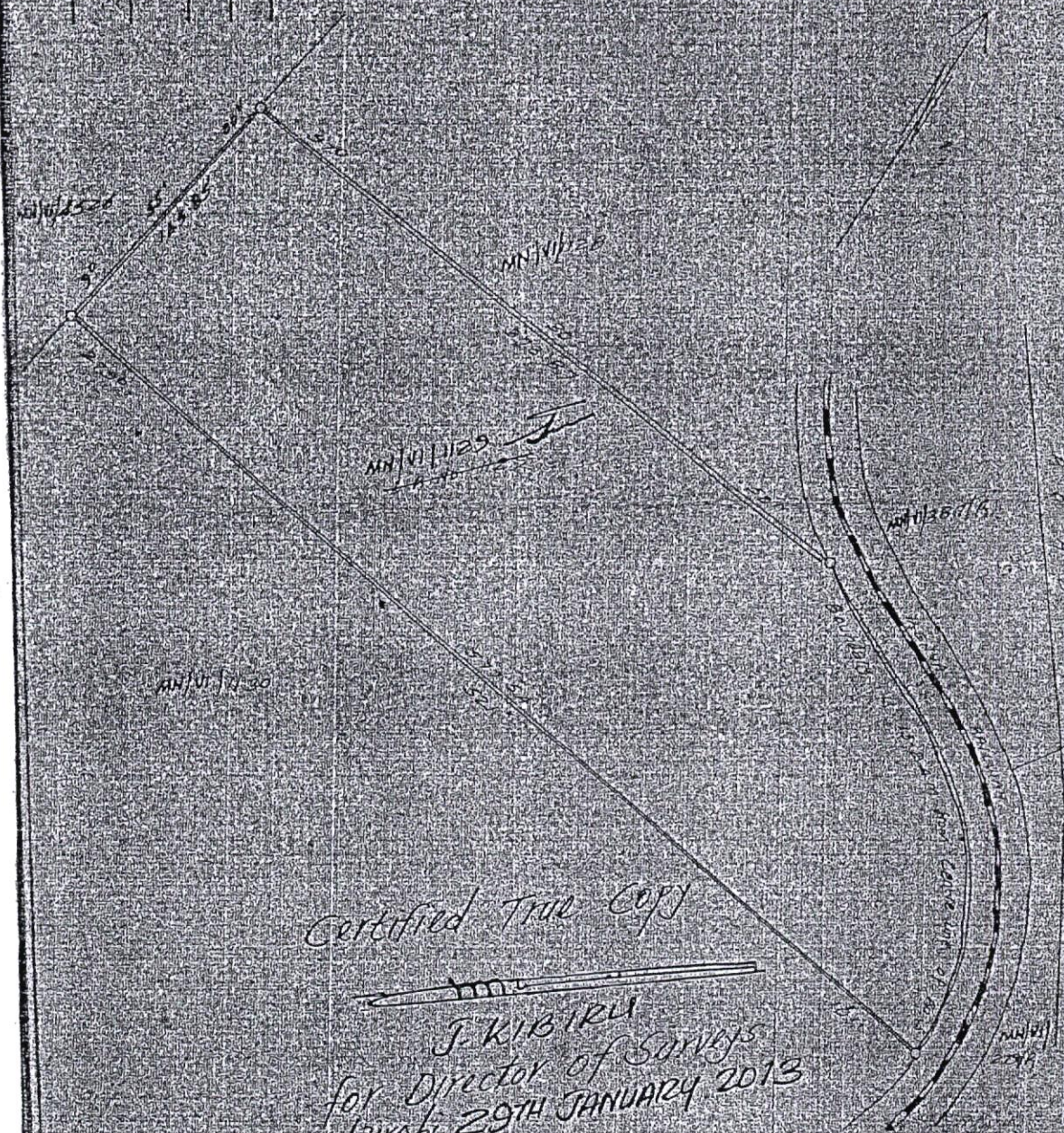
Land Reference No. 1129

(Orig. No. 27)

Sub division No. 1129 (Orig. No. 704/2)

of Section No. VI Mainland North

Area - 8,150.45 (approx)



Certified True Copy

mm

J. KIBIRU  
for Director of Surveys  
Nairobi 29th JANUARY 2013

P.R. No. 25/11A

mm

J. KIBIRU  
for Director of Surveys  
Nairobi 29th JANUARY 2013

DEED PLAN No. 51706

Traced by *[Signature]*  
Checked by *[Signature]*

Scale 1 to 1000

AS DRAWN COPY OF 25<sup>th</sup> JAN 2013

*[Signature]* n Saloni \*304



14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
16. The Commissioner of Lands reserves the right to revise the annual ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or at the rate in force on the 31st December, 1988 whichever is the greater.
15. ~~16.~~ The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, ZABLON AGWATA MABEA the  
 Commissioner of Lands have by order of the  
 President hereunto set my hand this 13<sup>th</sup>  
 day of February  
 Two thousand and thirteen  
 in the presence of:

*F. N. Orare*  
 REGISTRAR OF TITLES  
 F. N. Orare 297

DRAWN BY: -

F. N. ORARE  
 REGISTRAR OF TITLES.  
 P.O. BOX 30089  
 NAIROBI

REGISTRATION OF TITLES ACT  
 REGISTRATION OF TITLES ACT  
 REGISTRATION OF TITLES ACT  
 12 APR 1983  
 8.10 PM

THE FOLLOWING  
 TRANSFER TO: BAMBOO TWIST LIMITED  
 ②  
 Registration No. 386  
 18.11.83

UNIDENTIFIED / IDENTIFIED  
 FEES PAID / UNPAID REVENUE  
 D. A. Safari \*304



TRANSFER OF LEASE

JAMES NDORO  
(the "Transferor")

- TO -

BAMBOO TWIST LIMITED  
(the "Transferee")

in respect of land and buildings comprised in  
L.R. No.1129/VI/MN

A. B. PATEL & PATEL  
ADVOCATES & NOTARIES  
P.O. BOX 80274  
ORIENTAL BUILDING  
NKRUMAH ROAD  
MOMBASA - 80100

TEL: 2226518/9 - 2225992  
0726 666 665  
0736 230 000  
FAX: 2228864  
E-MAIL: [law@abpateladvocates.com](mailto:law@abpateladvocates.com)

RECEIVED  
LAND REGISTRAR

~~CHIEF~~  
D. J. Safari \*30



REPUBLIC OF KENYA

IN THE MATTER OF THE LAND ACT NO. 6 OF 2012  
IN THE MATTER OF THE LAND REGISTRATION ACT NO. 3 OF 2012 AND  
IN THE MATTER OF THE REGISTRATION OF TITLES ACT CAP 281 (REPEALED)

GRANT NUMBER C.R. 59437  
ANNUAL RENT: KSHS.137,000.00 (REVISABLE)  
TERM: 99 YEARS FROM 1.1.2000

11/2 =  
386 3

TRANSFER OF LEASE

JAMES NDORO Of Post Office Box Number 20 Samburu in the Republic of Kenya (hereinafter called "the Transferor" which expression where the context so admits shall include his heirs executors administrators and assigns) is registered as proprietor as lessee from the Government of Kenya for a term of ninety nine (99) years from the first day of January Two Thousand of ALL THAT piece of land situate Mombasa Municipality in the Mombasa District of the said Republic containing by measurement decimal one three nought (8.130) hectares or thereabouts that is to say Land Reference Number 1129/VI/Mainland North (Original No. 784/2) which said piece of land with the dimension abutments and boundaries thereof is delineated more particularly on Land Survey Plan Number 51706 annexed to the Grant registered in the Land Titles Registry at Mombasa as C.R.No.59437/1 together with any improvements and structures thereon subject however to the such charges leases encumbrances and other matters specified in the Memorandum hereunder written (hereinafter called "the Property") IN CONSIDERATION of the sum of Kenya Shillings Five Million (KShs.5,000,000.00) paid to the Transferor by BAMBOO TWIST LIMITED a limited liability company incorporated in the Republic of Kenya having its registered office at Mombasa aforesaid and whose postal address is Post Office Box Number 83254 Mombasa-80100 aforesaid (hereinafter called "the Transferee" which expression where the context so admits shall include its successors and assigns) on or before the execution of these presents (the receipt of which sum the Transferor hereby acknowledge) DO HEREBY TRANSFER all his rights title and interest in and to the Property to the Transferee.

MOMBASA  
LAND TITLES  
REGISTRY  
REVENUE  
100000

IN WITNESS WHEREOF the Transferor hereto has hereunto subscribed his name hereto and the Transferee hereto has hereunto caused its Common Seal to be affixed hereto this 6<sup>th</sup> day of NOVEMBER Two Thousand and Thirteen.

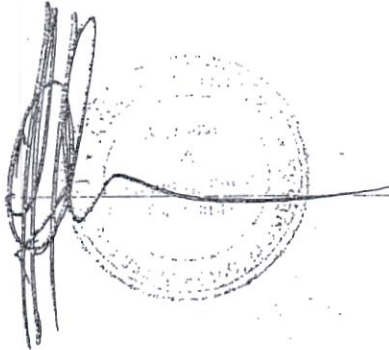
1

CERTIFIED  
PUBLIC REVENUE  
D. J. Safari x30



THE TRANSFEROR

SIGNED by the said JAMES NDORO  
in the presence of:-

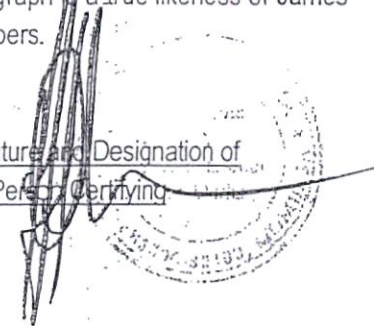


ID/No. 10227824  
PIN No. ATC 016625607

Signature..... [Handwritten Signature]

I CERTIFY that the above-named certify that the above the above photograph is a true likeness of James Ndoro and that he is the holder of the above referenced ID and PIN Card Numbers.

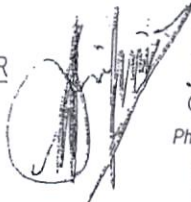
Signature and Designation of  
Person Certifying



THE TRANSFEREE

THE COMMON SEAL of the said  
BAMBOO TWIST LIMITED was hereunto  
affixed in the presence of:-

DIRECTOR



ID/No. 540204711

PIN No. 12030187227L

Signature.....

DIRECTOR/SECRETARY



ID/No. 5468203

PIN No. 120301809544

Signature.....

[Handwritten Signature]  
D. A. Safari \*304



I hereby certify that the above photograph are the true likeness of HARSH C. PUDA (holder of ID No. 500077118 & PIN No. 187227) and V. C. KANVI (holder of ID No. 8468243 & PIN No. 187227) being the directors/secretary of the Transferee and that the originals of their respective PIN & ID Cards were produced to me for verification.

*NAZIM RASMANI*  
**NAZIM RASMANI**  
ADVOCATE  
P O Box 80274  
Signature and Designation of  
MOMBASA - 80100  
Person Certifying  
KENYA

MEMORANDUM

1. Form of Transfer adopted from Form F of the Registration of Titles Act (Cap 281) (Now Repealed) pursuant to Section 108 of The Land Registration Act 2012.
2. The provisions of The Government Act (Chapter 280) (now repealed) and The Registration of Titles Act (Chapter 281) (now repealed)
3. The provisions of The Land Act 2012 and The Land Registration Act 2012.

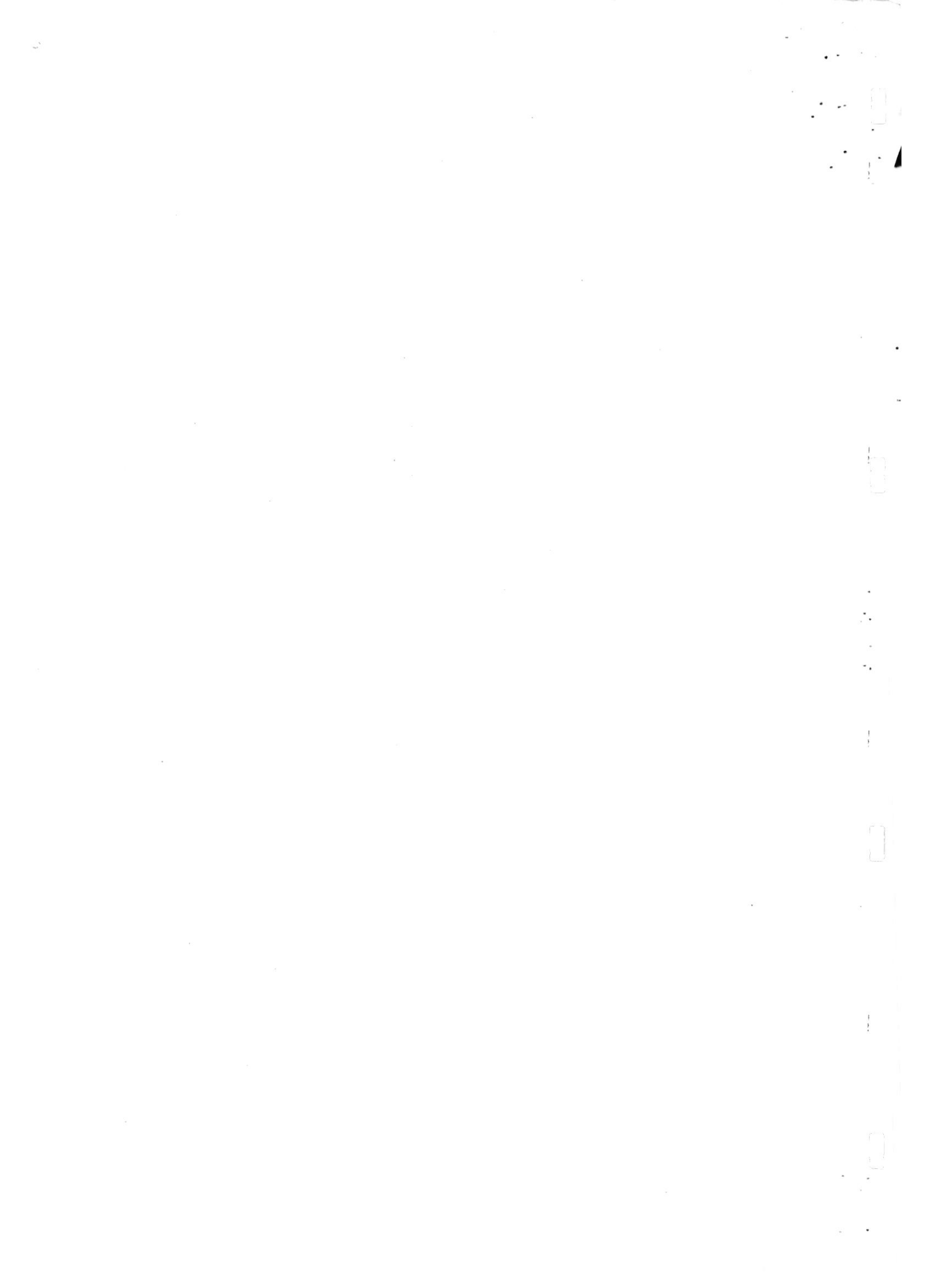
DRAWN BY:-

A B PATEL & PATEL  
ADVOCATES & NOTARIES  
P O BOX 80274  
MOMBASA - 80100  
RTA TRANSFER OF LEASE - Plot No.1128

UNRECORDED  
MOMBASA REVENUE  
*D. P. Safari* \*304

"Note: The person attesting the signature must authenticate the coloured passport size photograph, National ID Number and Tax PIN Number".

3  
784 NOV 59437/2  
1128A → 2013  
*[Handwritten signature]*



ANNEX IV

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050/9  
Ruora Investments Ltd  
P.O. Box 59350  
NAIROBI

REGISTERED

DEPARTMENT OF LANDS  
P.O. Box 30089  
NAIROBI

14th February....., 20..00..

Ref. No. 62860/19

SIR(s)/MADAM,

RE: L.R. MN/VI/1130 - MIRITINI - MOMBASA

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of .....  
County Council, hereby offers you a grant of the above plot shown edged red on the  
attached plan No. .... subject to your formal written acceptance of the  
following conditions and to the payment of the charges as prescribed hereunder:

AREA: 8.215 hectares (approximately).  
TERM: 99 years from the 1.2.2000  
STAND PREMIUM: Sh. 1,514,085/= } Subject to adjustment on survey, but  
ANNUAL RENT: Sh. 302,820/= } there is no claim for reduction in area on  
survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under  
the provisions of, the Government Lands Act (Cap. 280 of the Revised  
Edition the Laws of Kenya) and title will be issued under the Registration  
of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with  
banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	1,514,085.00
Rent from 1.2.2000 .. .. . to 31.12.2000 .. .. .	277,585.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Kates .. .. on demand .. .. .	-
Stamp Duty .. .. .	66,620.00
Survey Fees .. .. .	-
Road and Road Drains .. .. on demand .. .. .	-
Others .. Approval fees .. .. .	2,000.00
<hr/>	
Receipt No. .... Less Deposit .. .. .	<hr/>
TOTAL Sh.	1,861,790.00
<hr/>	

\*Delete as appropriate.

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

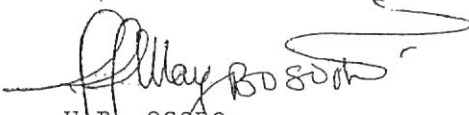
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event or prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government

  
H. B. OSODO  
for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

ANNEX XV

Telegrams: "LANDS" (11170-4)  
Telephone: Nairobi 712052/3  
Andrew K. Kirongo  
P.O. Box 99948  
MOMBASA  
Ref. No. 76474/VI

DEPARTMENT OF LANDS  
P.O. Box 311  
Nairobi  
10th January 1990

SIR(S)/MADAM,

RE: L.R. NO. MN.VI.1130

**LETTER OF ALLOTMENT**

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. \_\_\_\_\_ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 8.0 hectares (approximately).  
TERM: 99 years from the 1.1.2000  
STAND PREMIUM: Sh. 688,000/-  
ANNUAL RENT: Sh. 137,000/-

Subject to adjustment on survey, but there is no claim for reduction in area on survey.

**GENERAL:** This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 289 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 28) or the Registered Land Act (Cap. 300).

**SPECIAL CONDITIONS:** See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	688,000.00
Rent from 1.1.2000 to 31.12.2000 .. .. .	137,600.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates on demand .. .. .	-
Stamp Duty .. .. .	30,300.00
Survey Fees on demand .. .. .	-
Road and Road Drains on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00
Receipt No. _____ Less Deposit _____	
<b>TOTAL</b>	<b>Sh. 859,400.00</b>

*Carried by*

OBADIAH M. WAINAINA  
LICENSED SURVEYOR  
P.O. BOX 60724 NAIROBI

[P.T.O.]

\*Delete as appropriate

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.


If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.

for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi.

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

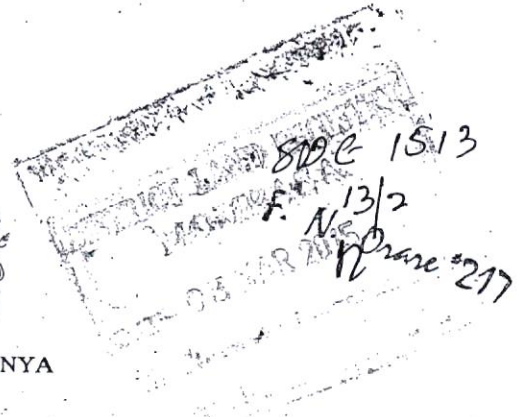
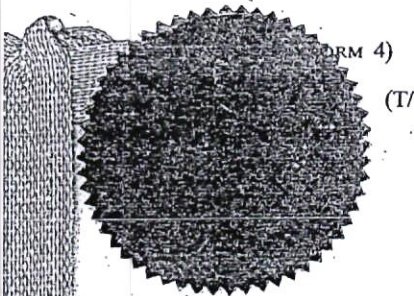
Senior Plan Record Officer.

Plot File.

} All to note.

DISTRICT LAND REGISTRY  
MOMBASA  
DATE: 17 DEC 2014  
TIME:  
D. B. No.

ANNEX VI



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT  
(Chapter 281)

GRANT: NUMBER **L.R. 64350**  
ANNUAL RENT: Kshs. 137,600/- (REVISABLE)  
TERM: 99 years w.e.f. 1.1.2000

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings six hundred and eight eight thousand (Kshs.688,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants Unto **ANDREW KIRONGO** of **KIMANGO** (Post Office Box Number 15)

(hereinafter called "the Grantee ") ALL that piece of land situate Mombasa Municipality in MOMBASA District containing by measurement eight decimal two two nought (8.220) hectares/xxxx or thereabouts that is to say L.R. No. MN/VI/1130 which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 51707 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the first day of January Two thousand and

SUBJECT to (a) the payment in advance on the first day of January in each year of annual rent of shillings one hundred and thirty seven thousand six hundred (Kshs.137,600/-) (Revisable) w.e.f. 1.1.2000 (b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

[P.T.O.]

UNIDENTIFIED...  
D. A. Safari \*304

**SPECIAL CONDITIONS**

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that he is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
  - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
  - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for inoffensive light industrial purposes with ancillary offices and stores.
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 100 square feet may be provided for a caretaker or night watchman or such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
10. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
11. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
12. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.

# REPUBLIC OF KENYA

DISTRICT OF MOMBASA

Locality *Mombasa Municipality*

Reference Map *South B 37 / D 11.4*

Bearings	Metres

Land Reference No

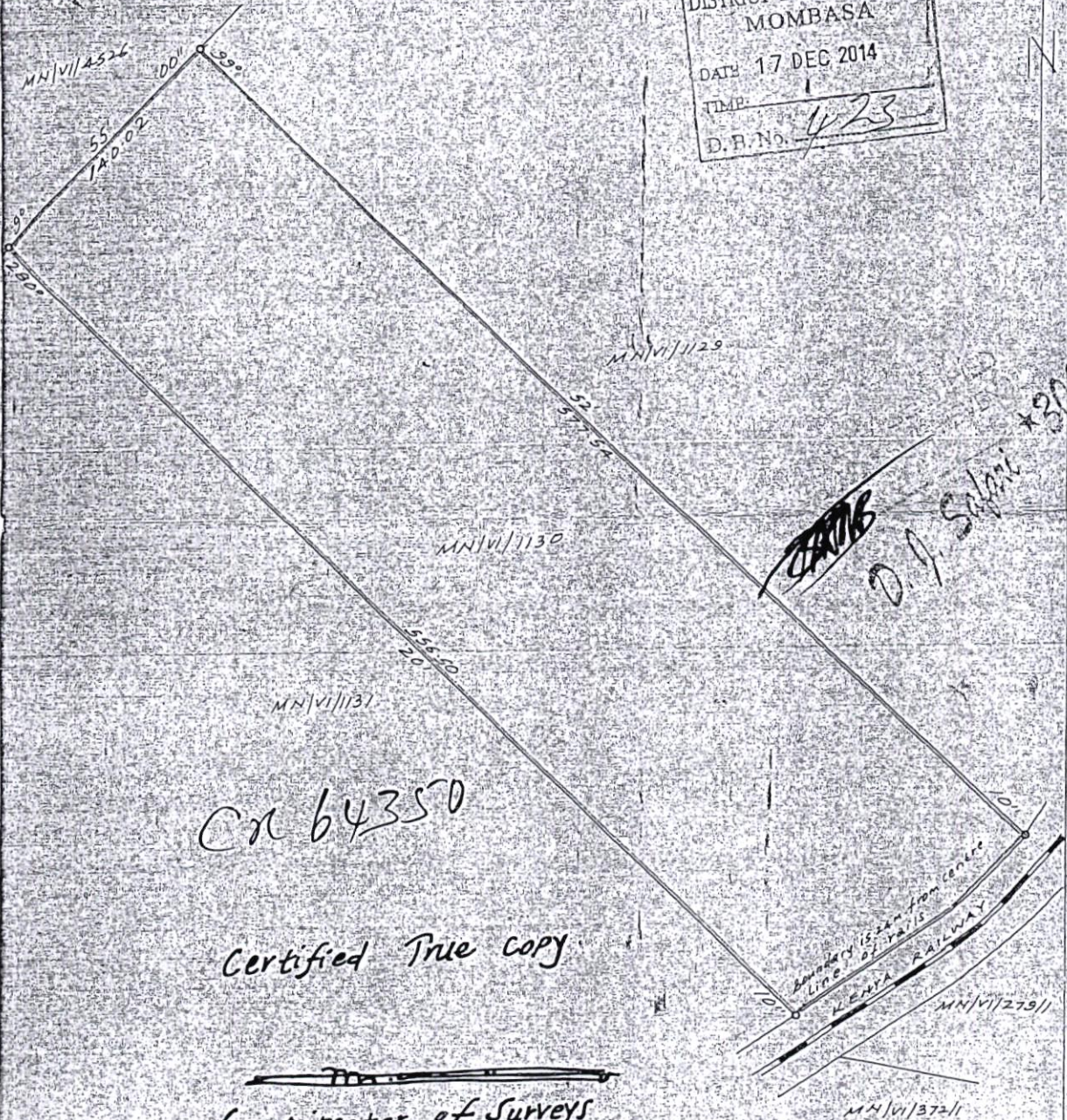
(Orig No

Sub division No *1130* (Orig No *784/3*)

of Section No *VI Mainland North*

Area = *18 220 Ha (Approx)*

DISTRICT LAND REGISTRY  
MOMBASA  
DATE 17 DEC 2014  
TIME  
D.F. No. *423*



*CR 64350*

*Certified True Copy*

*for Director of Surveys  
Nairobi 29TH JANUARY 2013*

F.R. No. *65/14*

*J. KIBI RUI*

for Director of Surveys

Nairobi *29TH JANUARY 2013*

DEED PLAN No. *51707*

Traced by *Clunston*  
Compared by *EDU*

Scale 1 in 1000

RE-DRAWN COPY ON 23RD JAN 2013



14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
16. The Commissioner of Lands reserves the right to revise the ~~annual~~ ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or ~~at the~~ rate in force on the 31st December, 1988 whichever is the greater.
16. ~~17x~~ The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, ZABLON AGWATA MABEA the

Commissioner of Lands have by order of the

President hereunto set my hand this 13<sup>th</sup>

Two thousand and <sup>day of</sup> February  
thirteen

in the presence of:

*[Handwritten signature]*

*[Handwritten signature]*  
REGISTRAR OF TITLES  
F. N. Orare 217

DRAWN BY:  
F. N. ORARE  
REGISTRAR OF TITLES  
P. O. BOX 30089  
NAIROBI

LAND TITLES REGISTRY - MSA  
REGISTRAR OF TITLES ACT  
REGISTERED C.N. 64350/1  
PRESENTED 17<sup>th</sup> December 2014  
Time 2:00 pm  
*[Handwritten signature]*  
Registrar of Title

D. J. Safari \*304

*[Handwritten signature]*  
D. J. Safari \*304  
SHE



Annex 20

Annex VII

ANNEX VII

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi

Telephone: Nairobi 718050/9

Joseph Marwa  
P.O. Box 96345  
MOMBASA

Ref. No. 76474/VI

DEPARTMENT OF LANDS

P.O. Box 300

NAIROBI

10th January, 2000

REGISTERED

SIR(S)/MADAM,

RE: L.R. NO. MN/VI/1131

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. \_\_\_\_\_ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 8.0 hectares (approximately).

TERM: 99 years from the 1.1.2000

STAND PREMIUM: Sh. 688,000/-

ANNUAL RENT: Sh. 137,000/-

} Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

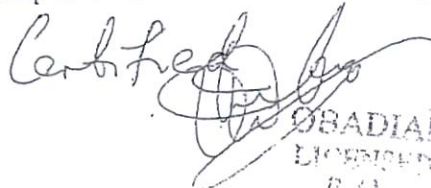
SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	688,000.00
Rent from 1.1.2000 to 31.12.2000 .. .. .	137,600.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates on demand .. .. .	-
Stamp Duty .. .. .	30,300.00
Survey Fees on demand .. .. .	-
Road and Road Drains on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00

Receipt No. \_\_\_\_\_ Less Deposit \_\_\_\_\_

TOTAL Sh. 859,400.00

*Carried by*  


OBADIAH M. WAINAINA  
LICENCED  
P.O. BOX 10000 NAIROBI

[P.T.O.]

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

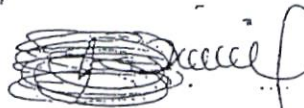
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.

for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

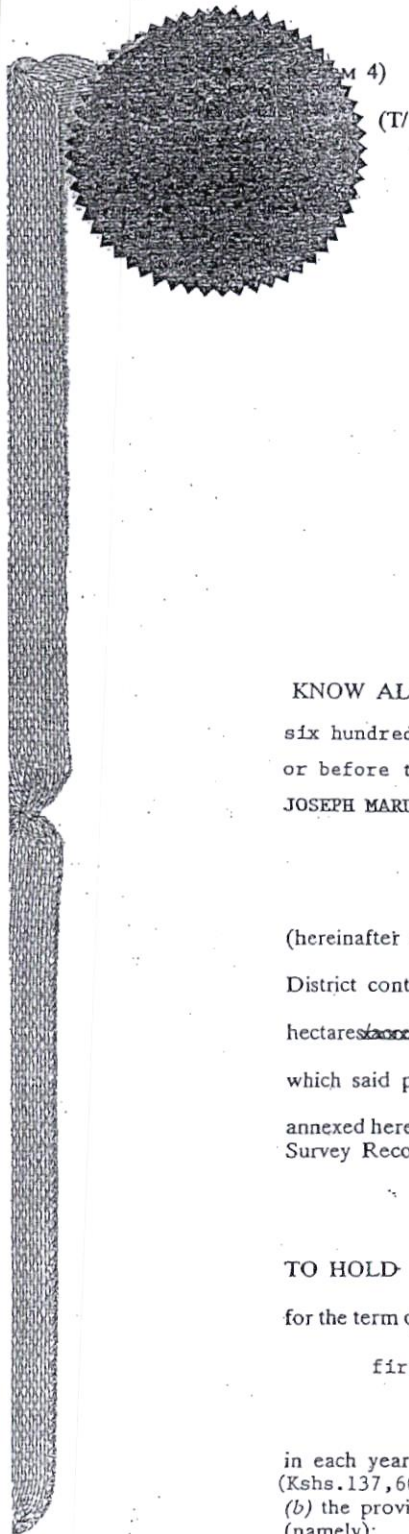
} All to note.

DISTRICT LAND REGISTRY  
MOMBASA  
DATE 17 DEC 2014



ANNEX VIII

SDC 1513  
F. N. 13/7  
Share 217



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT  
(Chapter 281)

GRANT: NUMBER CR. 64351  
ANNUAL RENT: Kshs.137,600/- (REVISABLE)  
TERM: 99 years w.e.f. 1.1.2000

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings six hundred and eighty eight thousand (Kshs.688,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants Unto JOSEPH MARUWA of MOMBASA (Post Office Box Number 96345)

(hereinafter called "the Grantee") ALL that piece of land situate Mombasa Municipality in MOMBASA District containing by measurement eight decimal two two nought (8.220) hectares ~~xxxx~~ or thereabouts that is to say L.R. No. MN/VI/1131 which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 51708 deposited in the Survey Records Office at Nairobi

TO HOLD  
for the term of ninety nine (99) years from the first day of January Two thousand ~~and~~

SUBJECT to (a) the payment in advance on the first day of January in each year of annual rent of shillings one hundred and thirty seven thousand six hundred (Kshs.137,600/-) (Revisable) w.e.f. 1.1.200 (b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

Handwritten signatures and numbers at the bottom of the page.

**SPECIAL CONDITIONS**

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that he is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
  - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
  - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for inoffensive light industrial purposes with ancillary officers and stores.
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 100 square feet may be provided for a caretaker or night watchman or such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
10. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
11. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
12. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.

14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
16. The Commissioner of Lands reserves the right to revise the ~~annual~~ ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or ~~at the rate in force on the 31st December, 1988 whichever is the greater.~~
16. ~~17~~ The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, ZABLON AGWATA MABEA the

Commissioner of Lands have by order of the

President hereunto set my hand this 13<sup>th</sup>

day of February

Two thousand and thirteen

in the presence of:

*F. N. Orare*  
REGISTRAR OF TITLES  
F. N. Orare \*217

*[Signature]*

REGISTERED / CERTIFIED  
LAND REVENUE STAMP  
*[Signature]*  
D. J. Safari \*304

DRAWN BY:

F. N. ORARE

REGISTRAR OF TITLES

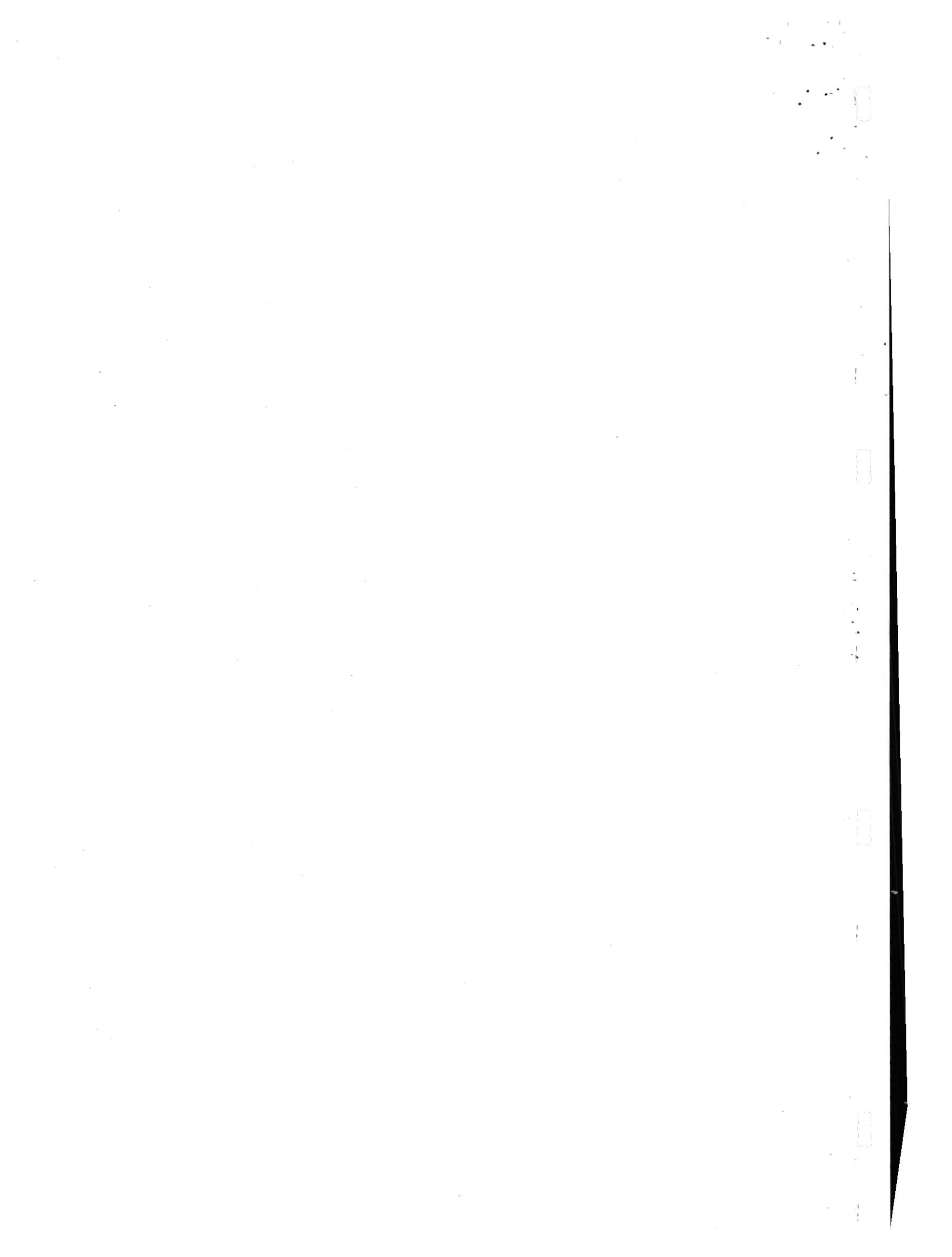
P.O. BOX 30089

NAIROBI

LAND TITLES REGISTRY - MSA  
REGISTRATION OF TITLES ACT  
REGISTERED AS No. CR. 6075/11  
PRESENTED *[Signature]* 2014  
Time *[Signature]*  
*[Signature]*  
Registrar of Title

D. J. Safari \*304

REGISTERED / CERTIFIED  
LAND REVENUE STAMP



REPUBLIC OF KENYA

DISTRICT OF MOMBASA

Land Reference No

Locality *Mombasa Municipality*

(Orig No

Reference Map *South 8 37 7*  
*0 11 8*

Sub division No *131* (Orig No *7844*)

of Section No *VI* *Mainland North*

Area = *8 220 Ha (approx)*

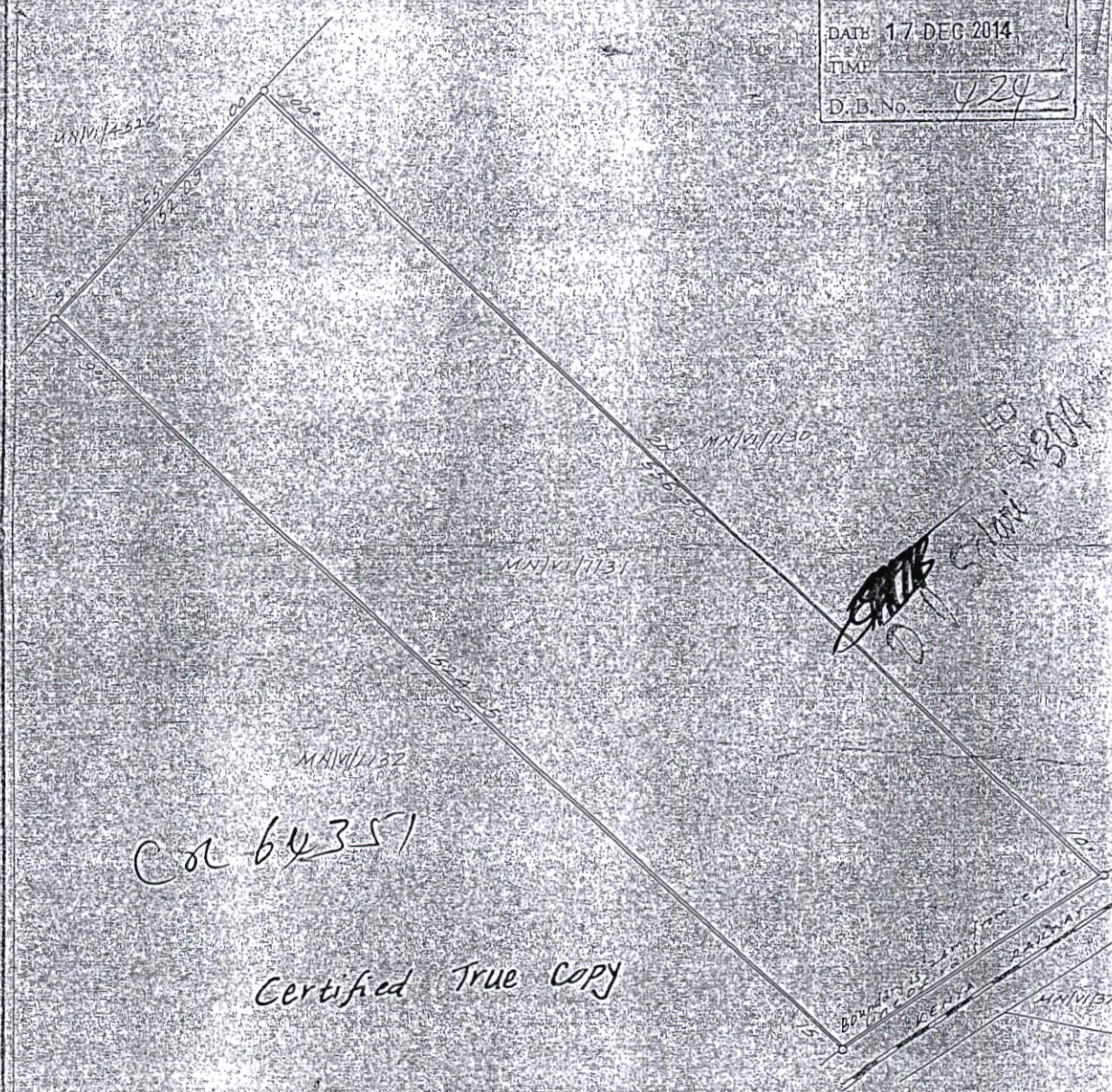
Bearings		Metres

DISTRICT LAND REGISTRY  
MOMBASA

DATE *17-DEC-2014*

TIME

D.B. No. *424*



*Certified True Copy*

*for Director of Surveys  
Nairobi 29TH JANUARY 2013*

F.R. No. *65/14*

*J. KIBIRU*

*for Director of Surveys  
Nairobi 29TH JANUARY 2013*

Traced by *Curryroo*  
Compared by *BDG*

Scale 1 in 1000  
*RE-DRAWN COPY ON 23RD JAN 2013*

DEED PLAN No *51708*



ANNEX IX

EDWARD M. J. KIGURU  
 LICENSED SURVEYOR  
 25.7.00

REPUBLIC OF KENYA

DEPARTMENT OF LAND

P.O. Box 3008

NAIROB

14th February, 2000

Ref. No. 62864/22

SIR(S)/MADAM, RE: L.R. MN/VI/1132 - MIRITINI - MOMBASA

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 15.74 hectares (approximately).  
 TERM: 99 years from the 1.2.2000  
 STAND PREMIUM: Sh. 1,514,085/= } Subject to adjustment on survey, but  
 ANNUAL RENT: Sh. 302,820/= } there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	1,514,085.00
Rent from 1.2.2000 to 31.12.2000 .. .. .	277,585.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates .. on demand .. .. .	-
Stamp Duty .. .. .	66,620.00
Survey Fees .. .. .	-
Road and Road Drains on demand .. .. .	-
Others .. Approval fees .. .. .	2,000.00

Receipt No. Less Deposit .. .. .  
 TOTAL Sh. 1,861,790.00

*R*  
*Edward M. J. Kiguru*  
EDWARD M. J. KIGURU  
LICENSED SURVEYOR 25.7.04

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government

*H. B. Osodo*  
H. B. OSODO

for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

\* 21

# ANNEX X

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi  
 Telephone: Nairobi 718050/9  
 Awale Transporters Limited  
 P.O. Box 47452  
 MOMBASA

**REGISTERED**

DEPARTMENT OF LANDS  
 P.O. Box 300  
 NAIRO

Ref. No. 84015/II

12th July 1995

SIR(S)/MADAM,

UNS. INDUSTRIAL PLOT NO. 'A' - MIRITINI  
**LETTER OF ALLOTMENT**

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. \_\_\_\_\_ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

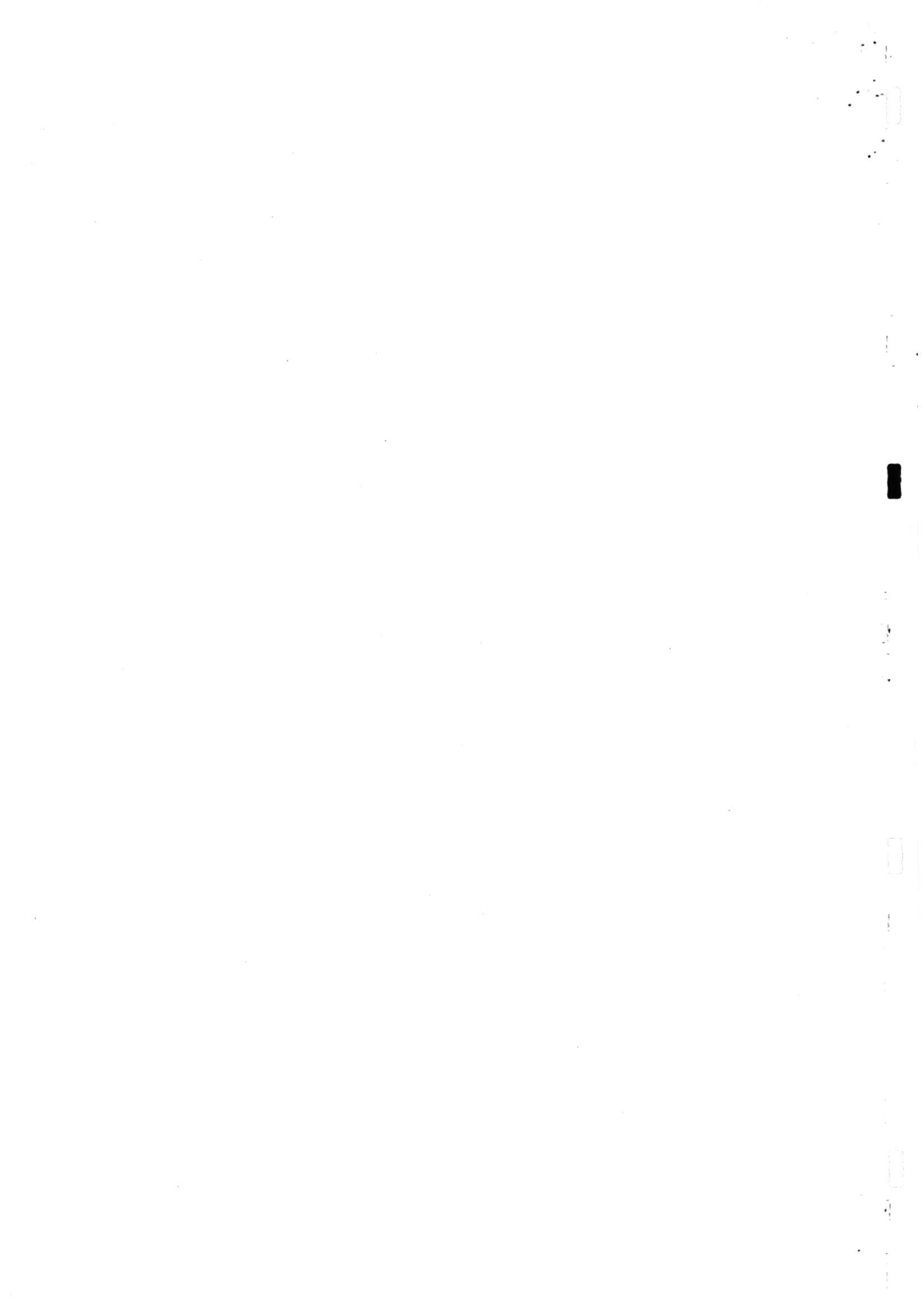
AREA: 66.4 hectares (approximately).  
 TERM: 99 years from the 1.7.1995  
 STAND PREMIUM: Sh. 730,400/= } Subject to adjustment on survey, but  
 ANNUAL RENT: Sh. 146,080/= } there is no claim for reduction in area on survey.

**GENERAL:** This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

**SPECIAL CONDITIONS:** See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .....	730,400/=
Rent from 1.7.1995 to 31.12.1995 .....	73,040/=
Conveyancing Fees .....	1,250/=
Registration Fees .....	250/=
Kates .. On demand .....	-
Stamp Duty .....	31,156/=
Survey Fees .. On demand .....	-
Road and Road Drains .....	-
Others ..Approval fees .....	2,000/=
Receipt No. .... Less Deposit .....	
<b>TOTAL</b> Sh.	838,096/=



If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

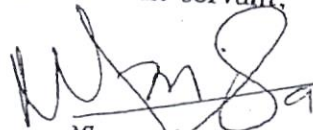
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



Mbogori M.K.

for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. Mombasa

The Clerk to the Council, County Council of .....

The District Commissioner. Mombasa

The Director of Physical Planning, Nairobi.

District Land Officer. Mombasa

O/C Land Rents.

Rates Assistant.

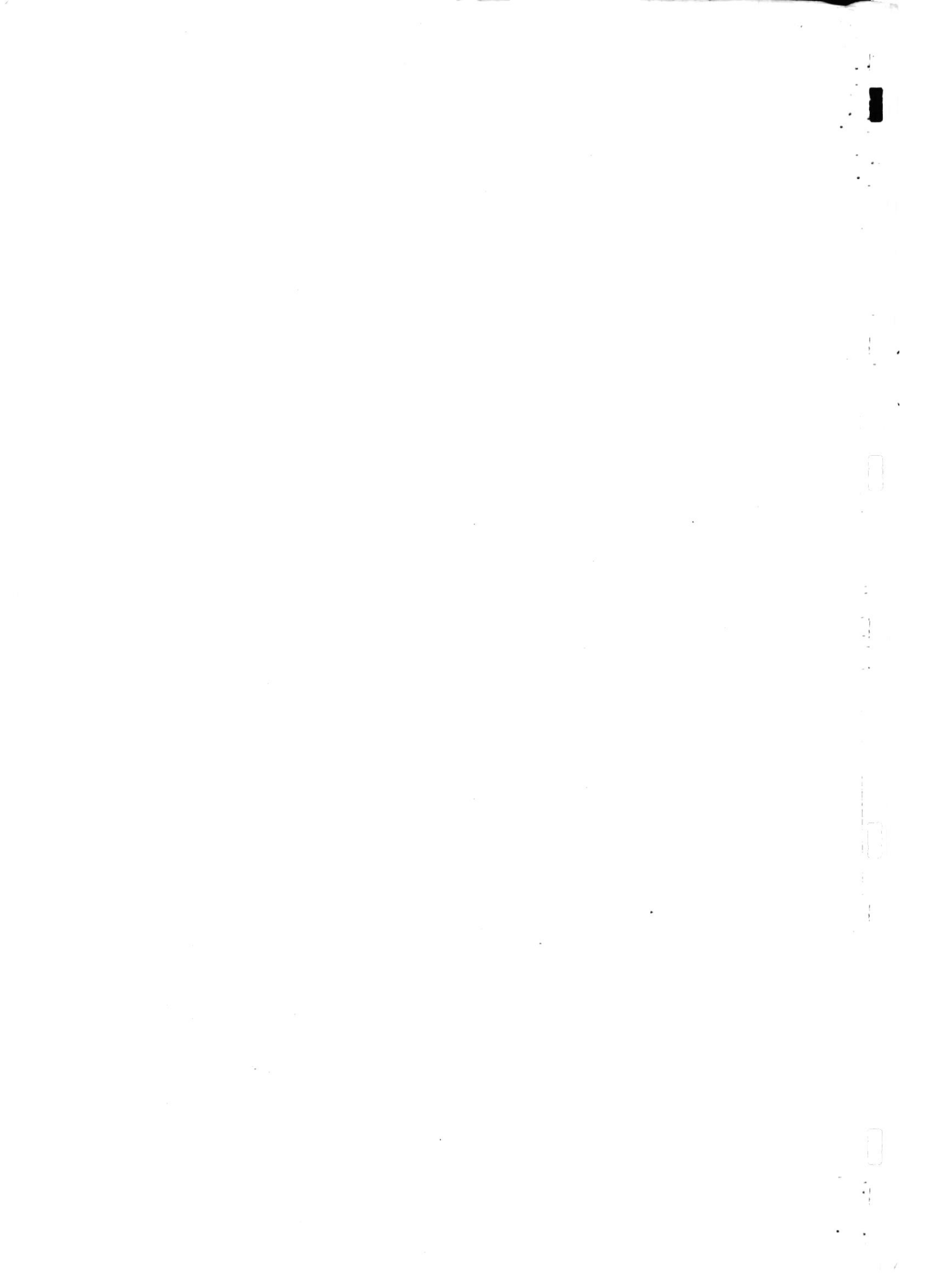
The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.







# REPUBLIC OF KENYA

DISTRICT OF MOMBASA

Land Reference No.

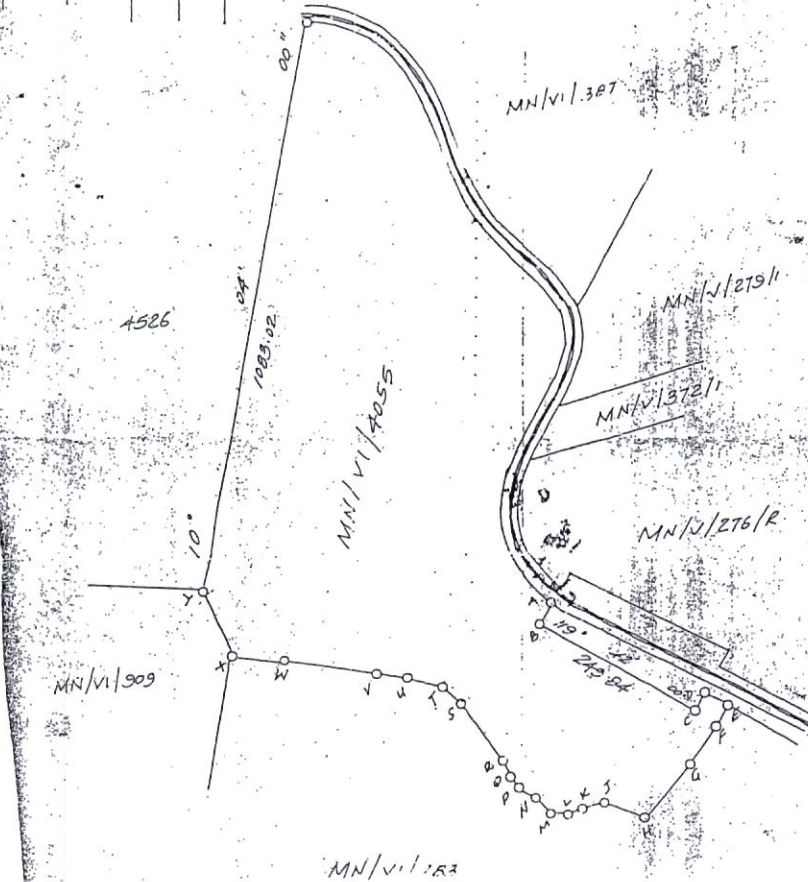
Locality W. of Mombasa Municipality (Orig No

Reference Map South B 37 /  
D. II a

Sub division No 4055 (Orig No  
of Section No. VI Mainland North

Area = 66,345.6 H<sup>2</sup> (Approx.)

	Bearings			Metres
	°	'	"	
A-B	209	42	00	46.02
C-D	202	42	00	37.19
D-E	215	42	00	49.23
E-G	209	21	20	71.84
G-H	214	20	65	73.61
H-J	219	20	05	131.12



for Director of Survey  
 Nairobi 18<sup>th</sup> August 1999  
**DEED PLAN No. 226468**

30/11  
 July 2013

REGISTERED / CERTIFIED  
 INDEPENDENT REVENUE  
  
 D. A. Safari \*304

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 on as



14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.

15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes of telephone or telegraph wires and electric mains.

16. The Commissioner of Lands reserves the right to revise the annual ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands at the date in force on the 31st December, 1988 whichever is the greater.

17. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, ZABILON AGWATA MABEA the  
Commissioner of Lands have by order of the  
President hereunto set my hand this 18th  
day of February  
Two thousand and thirteen  
in the presence of:

*Agwata*

*Z. Y. MUCHEKE*  
REGISTRAR OF TITLES  
Z. Y. MUCHEKE 207

DRAWN BY: -

F. N. ORARE  
REGISTRAR OF TITLES  
P.O. BOX 30089  
NAIROBI

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
21.11.2013  
10:45 AM  
2013

② THE FOLLOWING  
SUBDIVISION CERTIFICATE DATED  
21 SEPTEMBER 2013 FROM THE CITY  
OF MOMBASA, TOWN CLERK APPROVING  
SUB-DIVISION NOS- 8012 TO 8042 ON  
LOT 57 VITAMU  
130 9-12-2013

*D. A. SALWA* \*304

3

ISSUE OF NEW G/CR SUB-DIV. NOS 8012-8022  
 8024-8042 (ORS.M. 1655) VI/MN. AREA. 2.010 2.030  
 2.030 2.030ha 2.025ha 7.920ha 2.025ha 2.030ha  
 2.030ha 2.060ha 1.838ha 2.087ha 1.890ha 6.211ha  
 2.721ha 1.866ha 1.700ha 2.089ha 1.975ha 0.994ha  
 0.992ha 1.003ha 0.9999ha 0.6054ha 0.5000ha  
 0.8842ha 1.600ha 0.3022ha 0.8044ha 2.071ha  
 (VIA) / T. R. 61412-61444 ISSUES  
 RES. P. 11. 2.1

Kebasa

131-160 9.12.2013

4

ISSUE OF NEW G/CR SUB-DIV. NOS 8023  
 (ORS.M. 1655/13) VI/MN. AREA. 1.733ha  
 (VIA) / T. R. 61594 ISSUES

Kebasa Kebasa 270

165

9.12.2013

TITLE CLOSED ON  
 SUB-DIVISION



REPUBLIC OF KENYA

THE LAND REGISTRATION ACT, No. 3 OF 2012  
(Section 108)

THE REGISTRATION OF TITLES ACT  
(Chapter 281) (Repealed)

### CERTIFICATE OF TITLE

Grant Number: C.R. 59131/3

TERM 99

YEARS FROM 1.7.1995

ANNUAL RENT SHILLINGS KSH.514,800/= P.A

(Revisable)

I HEREBY CERTIFY that AWALE TRANSPORTERS LTD.

of P.O. BOX 474-52 MOMBASA  
SUBDIVISION

in the Republic of Kenya pursuant to a Grant registered as Number C.R. 59131/3  
is/are now registered proprietor(s) as Lessee(s)

from the Government of the Republic of Kenya for the term of NINETY NINE  
ONE

years for the 1ST day of JULY 2000 thousand NINE HUNDRED

and NINETY FIVE of ALL that piece of land situate W OF MOMBASA MUNICIPALITY

in the MOMBASA District containing by measurement SEVEN DECIMAL NINE TWO HOU

(7.920) hectares/ACRES (less road reserve of

hectares/ACRES) or thereabouts and being Land Reference Number 8017

(Original Number 404/7 OF SECTION VI MAINLAND NORTH)

as delineated on Land Survey File Number 3483/3

and subject to the Special Conditions hereunto:

That or however to the revisable annual rent of Shillings KSH.514,800/= P.A

and to the Special Conditions Encumbrances and other matters specified in the Memorandum hereunder written.

Witness my hand and seal this

Two thousand and NINETEEN

*[Signature]*  
Registrar of Titles

MEMORANDUM

- (1) The Land Act, No. 6 of 2012.
- (2) The Land Registration Act, No. 3 of 2012.
- (3) The Government Lands Act (Chapter 280) (Repealed).
- (4) The Special Conditions contained in a Grant registered as Number C.R. 59131/3

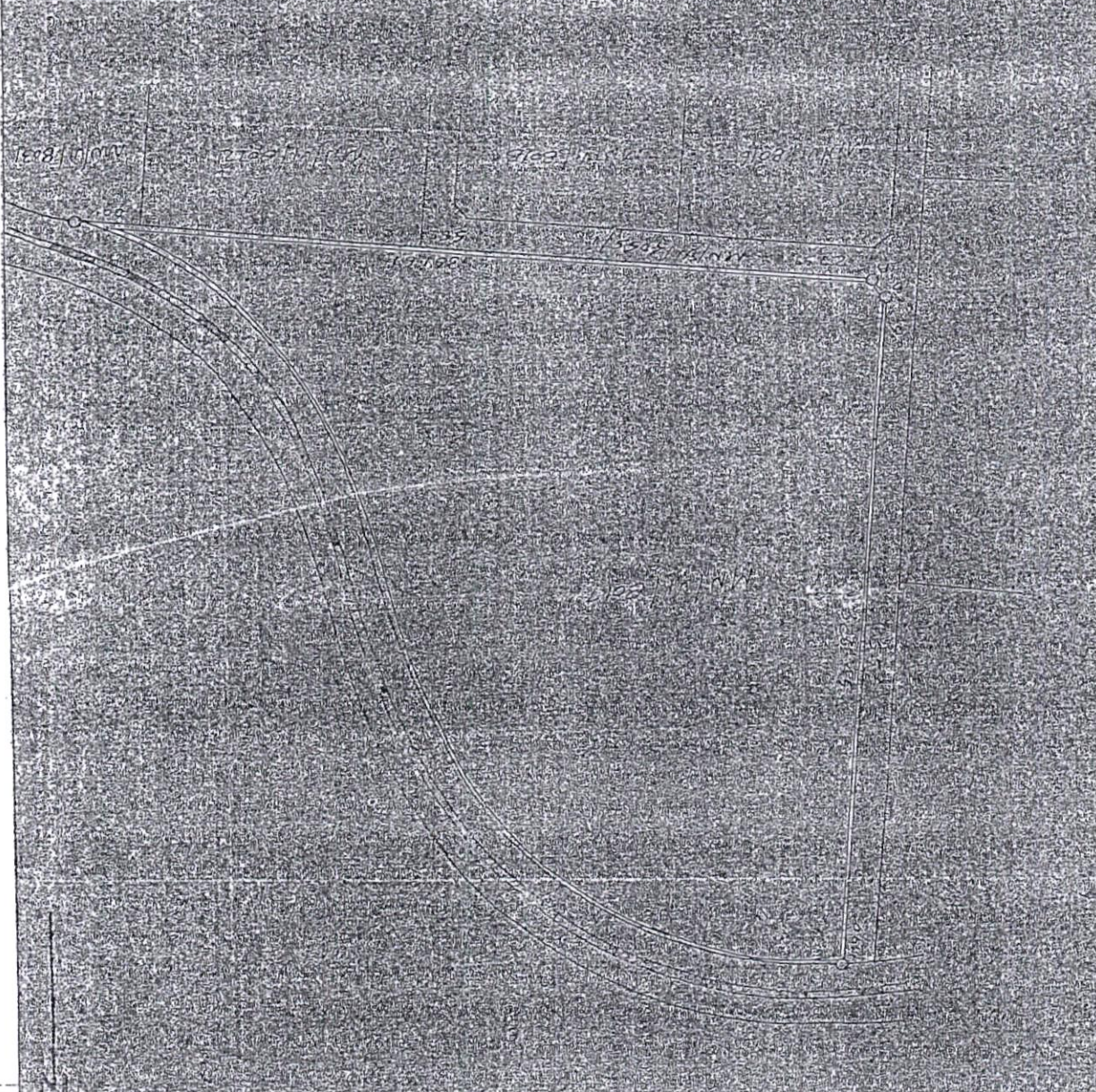
*[Signature]*  
Safari \*304

RECORDED  
INDEXED  
24 DECEMBER 2013  
*[Signature]*

THE FOLLOWING IS THE REGISTERED INSTRUMENT AGAINST THE TITLE  
Surrender of lease dated 4<sup>th</sup> November  
2014 to the Government of Kenya  
in consideration of a New Grant  
in respect of MN/V/3666  
Registration No. 108 Date 5-11-2014

THE FOLLOWING IS THE REGISTERED INSTRUMENT AGAINST THE TITLE  
RESTRICTION UNDER SECTION  
76 OF LAND REGISTRATION  
ACT NO. 3 OF 2012,  
(S.I.C. NO. )  
Date 5-12-2014

DEED PLAN NO. 248743  
 17th October 2013  
 For Direction of Survey  
 T. K. B. M.  
 Surveyed by  
 COMP. NO. 38755  
 F.B. No. 28755  
 Local Government  
 District Office



DISTRICT OFFICE  
 LOCAL GOVERNMENT  
 Surveyed by  
 F.B. No. 28755  
 COMP. NO. 38755  
 District Office

D. J. Sakari  
 2013





REPUBLIC OF KENYA

THE LAND REGISTRATION ACT, No. 3 OF 2012  
(Section 108)

THE REGISTRATION OF TITLES ACT  
(Chapter 281) (Repealed)

# CERTIFICATE OF TITLE

TITLE NUMBER ~~KR~~ C.R. 61422

TERM 99

YEARS FROM 1.1.1965

ANNUAL RENT SETTLEMENTS KSH.119,470/= P.A

(Revisable)

I HEREBY CERTIFY that AWALE TRANSPORTERS LTD.

of P.O. BOX 47452 MOMBASA SUBDIVISION

in the Republic of Kenya pursuant to a ~~DEED~~ registered as Number ~~KR~~ C.R.59131/3.  
is/are now registered proprietor(s) as Lessee(s)

from the Government of the Republic of Kenya for the term of NINETY NINE

years for the 1ST day of JULY ONE  
and NINETY FIVE of ALL that piece of land situate W OF MOMBASA DISTRICT

In the MOMBASA District containing by measurement ONE DECIMAL EIGHT THREE EIGHT  
(1.838) hectares/acres (less road reserve of

hectares/acres) or thereabouts and being Land Reference Number 6022

(Original Number 4055/12 OF SECTION W1 MAINLAND NORTH

as delineated on Land Survey Plan Number 348718

annexed to ~~MEMORANDUM~~ hereto:

SUBJECT however to the revisable annual rent of Shillings 119,470/= P.A

and to the Act(s) Special Conditions Encumbrances and other matters specified in the  
Memorandum hereunder written.

IN WITNESS whereof I have hereunto set my hand and seal this 9TH

day of DECEMBER Two thousand and THIRTEEN

*[Signature]*  
Registrar of Titles

MEMORANDUM J. E. Kibusa 270

- (1) The Land Act, No. 6 of 2012.
- (2) The Land Registration Act, No. 3 of 2012.
- (3) The Government Lands Act (Chapter 280) (Repealed).
- (4) The Special Conditions contained in a Grant registered as Number ~~KR~~ C.R.59131/1

GPS 5259-3m-3/2013

LAND REGISTRATION ACT, No. 3 OF 2012

REGISTRATION OF TITLES ACT

(Chapter 281) (Repealed)

SECTION 108

CERTIFICATE OF TITLE

NO. 61422

AWALE TRANSPORTERS LTD.

10/30/2013

*[Handwritten notes and signatures]*  
D. A. Salani

THE...  
Summit of 2014 to the Government  
Honorable of Kenya in  
of grant in respect of MVI 13616  
108 Date of Registration 5-11-2014

REPUBLIC OF KENYA

DISTRICT OF *NOMBASA*

Land Reference No.

Locality *W of Mombasa Municipality*

(Orig No)

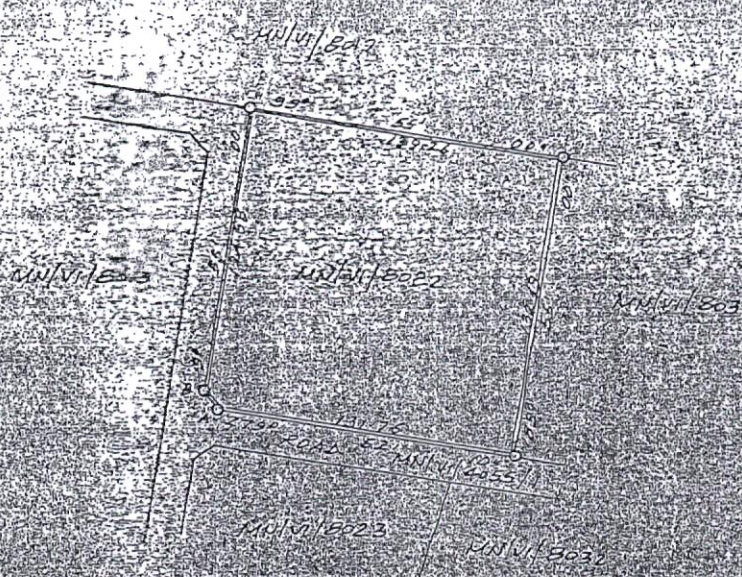
Reference Map *Sheet 4/37 of SD 4/37*  
*D.I. 9 V.I.C.*

Sub-division No. *302* (Orig No *1055/1*)

of Section No. *I Highland North*

Area *135.70 (Acres)*

Bearings in		Metres	
1	2	1	2
4-2	213	12	51



PUBLIC / CERTIFIED  
 SURVEY / OFFICE

*E. G. M. M. M.*  
Licenced Surveyor

F.R. No. *357/93*  
COMPS NO. *63635*

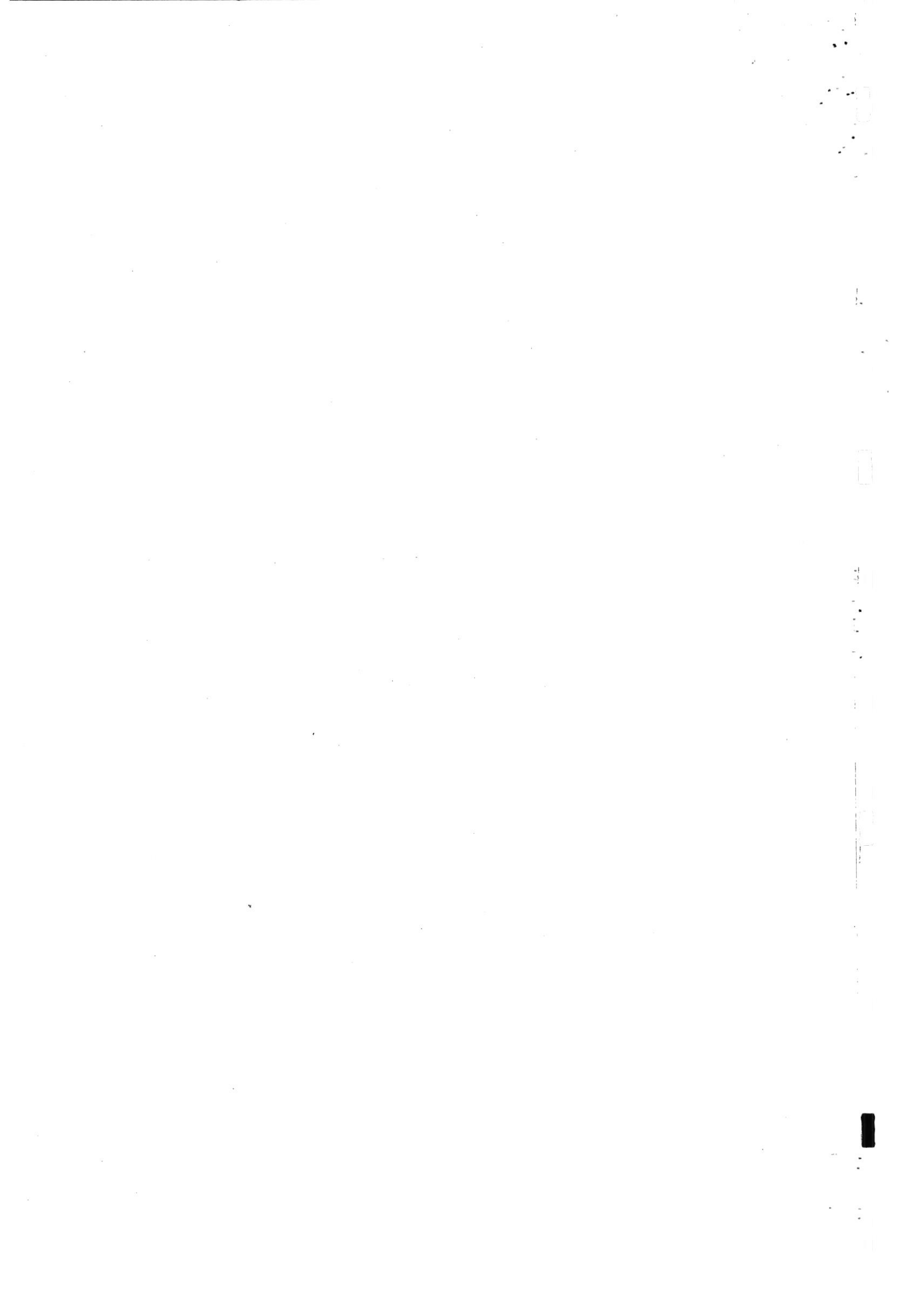
Traced by \_\_\_\_\_ Scale *1 in 2500*

Compared by *Clayton N. O.*

*E. G. M. M. M.*

*J. KIBIKU*  
for Director of Surveys  
Nairobi *14th October 1962*

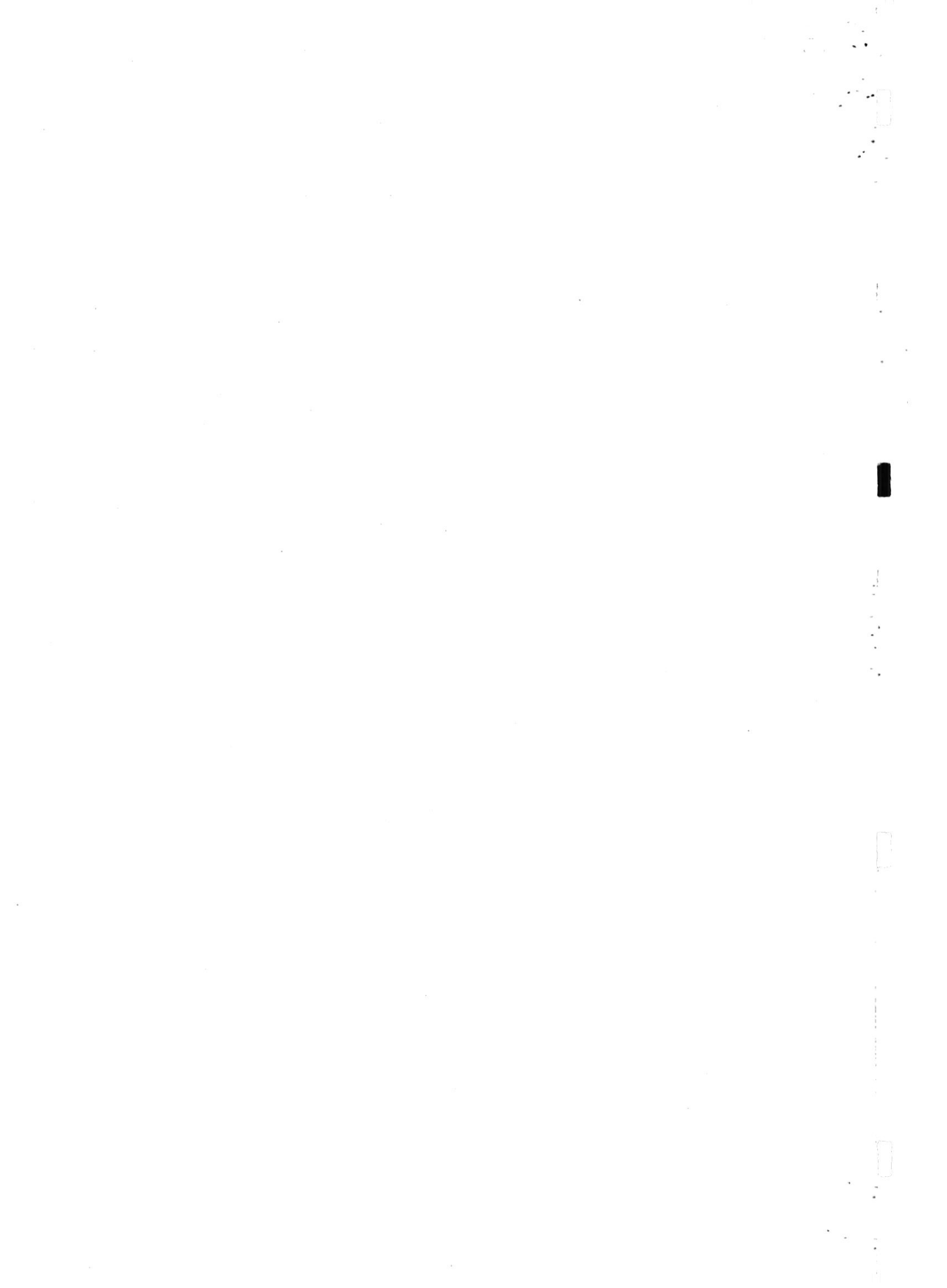
DEED PLAN No. *3485*



## ANNEX XII

## MN/VI/4055 SUB PLOTS

	Title Number	Plot Number	Area	Leasehold From	Leasehold Term	Rent
1	C.R 61412	8012/VI/MN	2.010 HA.	1.7.1995	99 Years	KSH. 130,650/= P.A
2	C.R 61413	8013/VI/MN	2.030 HA.	1.7.1995	99 Years	KSH. 131,950/= P.A
3	C.R 61414	8014/VI/MN	2.030 HA.	1.7.1995	99 Years	KSH. 131,950/= P.A
4	C.R 61415	8015/VI/MN	2.030 HA.	1.7.1995	99 Years	KSH. 131,950/= P.A
5	C.R 61416	8016/VI/MN	2.028 HA.	1.7.1995	99 Years	KSH. 131,820/= P.A
6	C.R 61417	8017/VI/MN	7.920 HA.	1.7.1995	99 Years	KSH. 514,800/= P.A
7	C.R 61418	8018/VI/MN	2.028 HA.	1.7.1995	99 Years	KSH. 131,820/= P.A
8	C.R 61419	8019/VI/MN	2.030 HA.	1.7.1995	99 Years	KSH. 131,950/= P.A
9	C.R 61420	8020/VI/MN	2.030 HA.	1.7.1995	99 Years	KSH. 130,650/= P.A
10	C.R 61421	8021/VI/MN	2.010 HA.	1.7.1995	99 Years	KSH. 130,650/= P.A
11	C.R 61422	8022/VI/MN	1.838 HA.	1.7.1995	99 Years	KSH. 119,470/= P.A
12	C.R 61423	8024/VI/MN	2.087 HA.	1.7.1995	99 Years	KSH. 135,655/= P.A
13	C.R 61424	8025/VI/MN	1.890 HA.	1.7.1995	99 Years	KSH. 122,850/= P.A
14	C.R 61425	8026/VI/MN	6.211 HA.	1.7.1995	99 Years	KSH. 403,715/= P.A
15	C.R 61426	8027/VI/MN	2.701 HA.	1.7.1995	99 Years	KSH. 175,565/= P.A
16	C.R 61427	8028/VI/MN	1.866 HA.	1.7.1995	99 Years	KSH. 121,485/= P.A
17	C.R 61428	8029/VI/MN	1.700 HA.	1.7.1995	99 Years	KSH. 110,500/= P.A
18	C.R 61429	8030/VI/MN	2.089 HA.	1.7.1995	99 Years	KSH. 135,785/= P.A
19	C.R 61430	8031/VI/MN	1.970 HA.	1.7.1995	99 Years	KSH. 128,050/= P.A
20	C.R 61431	8032/VI/MN	0.9946 HA.	1.7.1995	99 Years	KSH. 64,650/= PA
21	C.R 61432	8033/VI/MN	0.9992 HA.	1.7.1995	99 Years	KSH. 64,950/= P.A
22	C.R 61433	8034/VI/MN	1.003 H.A	1.7.1995	99 Years	KSH. 65,195/= P.A
23	C.R 61434	8035/VI/MN	0.9999 H.A	1.7.1995	99 Years	KSH. 64,995/= P.A
24	C.R 61435	8036/VI/MN	0.6054 H.A	1.7.1995	99 Years	KSH. 39,350/= P.A
25	C.R 61436	8037/VI/MN	0.5400 HA.	1.7.1995	99 Years	KSH. 35,100/= P.A
26	C.R 61437	8038/VI/MN	0.8842 HA.	1.7.1995	99 Years	KSH.57,475/= P.A
27	C.R 61438	8039/VI/MN	1.600 HA.	1.7.1995	99 Years	KSH. 104,000/= P.A
28	C.R 61439	8040/VI/MN	0.3022 HA.	1.7.1995	99 Years	KSH. 19,645/= P.A
29	C.R 61440	8041/VI/MN	0.1837 HA.	1.7.1995	99 Years	KSH. 11,940/= P.A
30	C.R 61441	8042/VI/MN	2.071 HA.	1.7.1995	99 Years	KSH. 134,615/= P.A



ANNEX XII



REPUBLIC OF KENYA

THE LAND REGISTRATION ACT

(No. 3 of 2012, Section 108)

THE LAND ACT

(No. 6 of 2012)

THE REGISTRATION OF TITLES ACT (Cap. 281) (Repealed)

THE GOVERNMENT LAND ACT (Cap. 280) (Repealed)

THE LANDS TITLES ACT (Cap. 282) (Repealed)

CERTIFICATE OF TITLE

Title No. CR. 65837

Term: 99 Years: 99 YEARS From: 1.12.2014

Annual Rent Kenya Shillings: PEPPERCORN (If demanded) (Revisable)

I hereby certify that MINISTRY OF TRADE AND INDUSTRY OF THE REPUBLIC OF RWANDA of NAIROBI of P.O. Box 30619-00100, NAIROBI.

in the Republic of Kenya, pursuant to section 108 of the Land Registration Act is/are now registered proprietor(s) as lessee(s) from the Government of the Republic of Kenya for the term of 99 years from the 1 day of December two thousand and Fifteen of

ALL that piece of land situate in the MOMBASA Municipality in the MOMBASA District containing by measurement 9.597 (NINE DECIMAL FIVE NINE SEVEN)

hectares/acres (less road reserve of ..... Ha/Ac) or thereabouts and being land Reference Number MN/VI/5132 (original Number ..... ) as delineated on Land Survey Plan Number 381479 annexed hereto. SUBJECT however to the revisable annual rent

of shillings PEPPERCORN and to the Act(s) special conditions, Encumbrances and other matters specified in the Memorandum hereunder written.

IN WITNESS whereof I have hereunto set my hand and seal this 17th day of September Two Thousand and Fifteen.

Registrar of Titles  
C. G. Wanjohi

UNCERTIFIED / CERTIFIED  
FEE: .....  
DATE: .....  
REVENUE: .....  
KMP SHS  
\* 304



# REPUBLIC OF KENYA

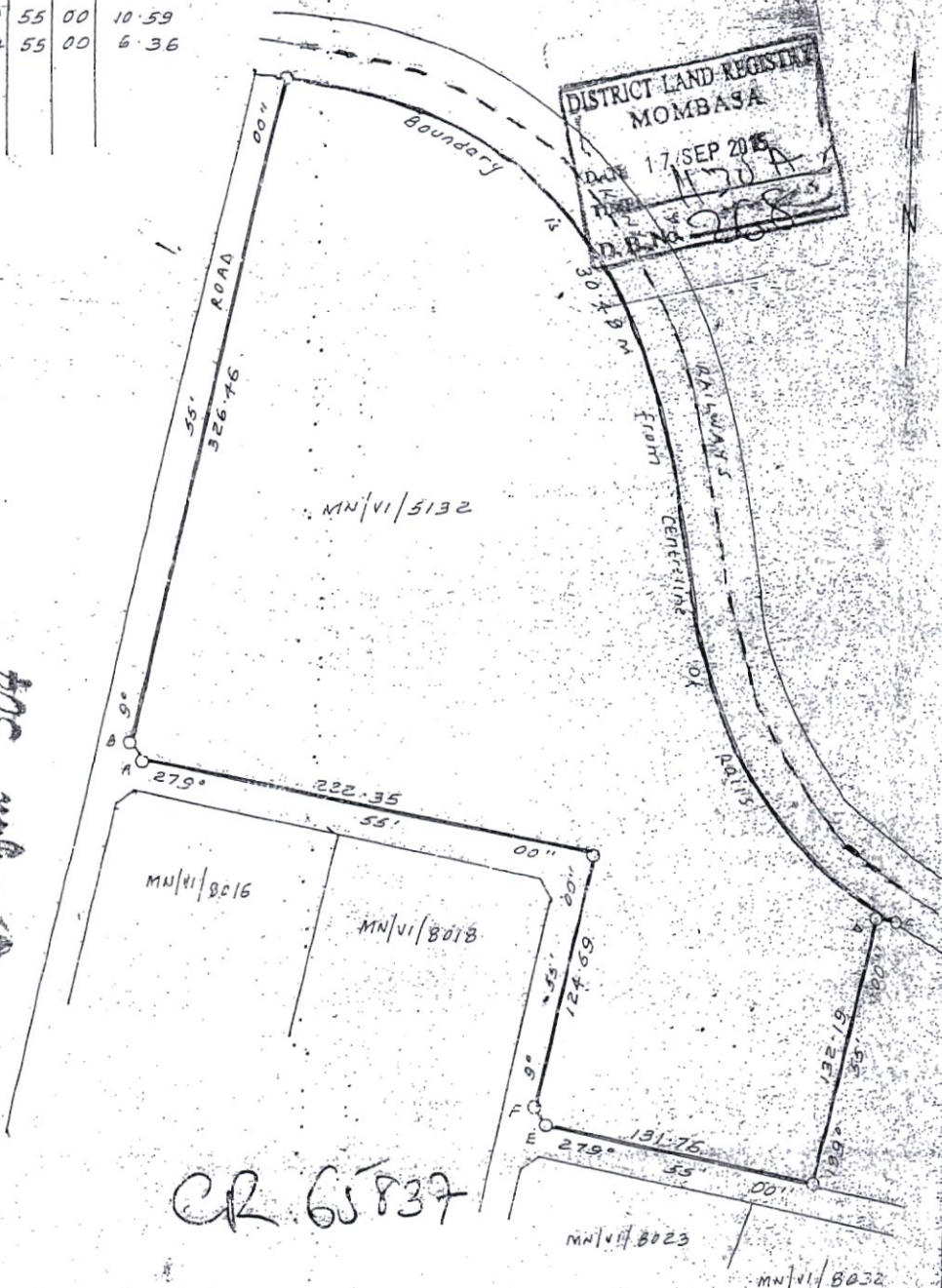
DISTRICT OF MOMBASA  
 Locality Mombasa Municipality  
 Reference Map South B 37  
 D.II.9

Land Reference No.  
 (Orig No.)

Sub division No. 5132 (Orig No.)  
 of Section No. VI Mainland North

Area = 9.597 Ha. (Approx)

	Bearings			Distances in metres
A-B	324	55	00	6.36
C-D	279	55	00	10.59
E-F	324	55	00	6.36



DISTRICT LAND REGISTRY  
 MOMBASA  
 DATE 17 SEP 2015  
 TIME 11:30 AM  
 D. No. 215

IDENTIFIED / CERTIFIED  
 BY THE FIELD OFFICER IN CHARGE  
 DISTRICT LAND REVENUE OFFICE  
 MOMBASA  
 E. J. Sagan \* 304

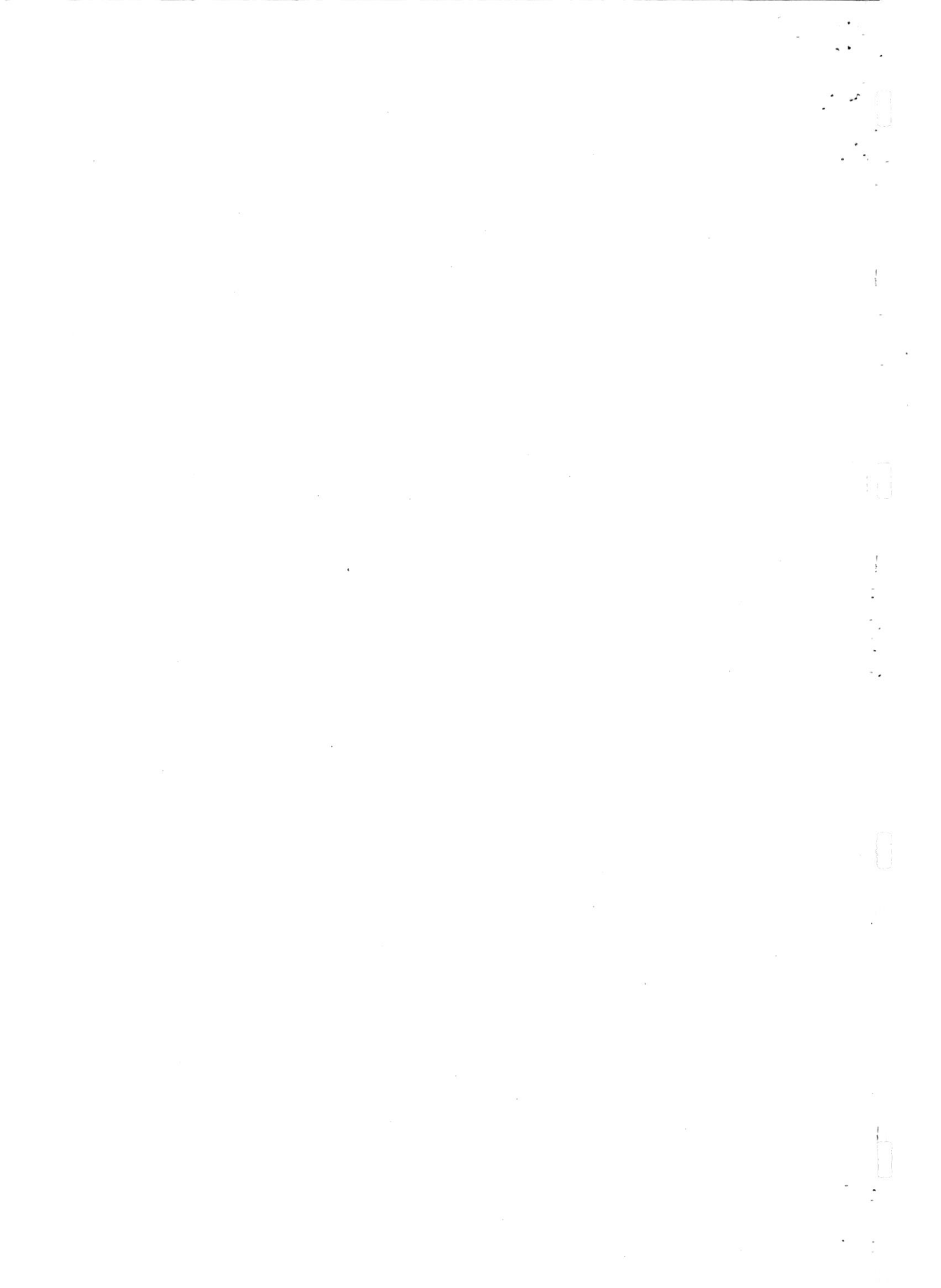
CR 65837

FR No. 407/61  
 Comp's No. 66967  
 Traced by Cheroti  
 Compared by Mukungu

Scale 1 in 2,500

J. KIBIRU  
 for Director of Surveys  
 Nairobi 15TH MAY 2015

DEED PLAN No. 381479



# THE NATIONAL LAND COMMISSION

REGISTERED

Telegrams: "Lands", Nairobi  
Telephone: Nairobi 2718050/9

Ardhi House  
Ngong Road  
P.O BOX 44417-00100  
**NAIROBI**  
10<sup>th</sup> December, 2014

The Republic of Rwanda, Rwanda Embassy of Nairobi,  
P.O Box 30619-00100,  
**NAIROBI**

Ref. No 116488 T.C/57

SIR(s) MADAM

**RE: L.R. NO. MN/VI/8017 AND 8022- MOMBASA**

## LETTER OF ALLOTMENT

I have the honor to inform you that the **National Land Commission**, on behalf of **Mombasa County Government** hereby offers you a grant of the above plot subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 7.920 and 1.838 Hectares (approximately) respectively.

TERM: .....99..... years from the ...1.12.2014.

STAND PREMIUM: - } Subject to adjustment on survey, but  
ANNUAL RENT: **Peppercorn** } there is no claim for reduction in area on Survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Lands Act 2012 and title will be issued under the Registered Lands Act (cap 300) and the Land Registration Act 2012.

SPECIAL CONDITIONS: *See attached.*

2. I should be glad to receive your acceptance of the attached conditions together with Banker's cheque for the amount as set out below within thirty (30) days of the postmark:

Stand Premium	.....	KSHS
Rent from	1.12.2014 to 31/12/2014	NIL
Conveyancing Fees	.....	-
Registration Fees	.....	1,250/=
Rates	on demand	500/=
Stamp Duty	.....	-
Survey Fees	on demand	100/=
Road and Road Drains	on demand	-
Approval fees	.....	-
		<b>10,000/=</b>

Receipt No. .... of ..... Less Deposit

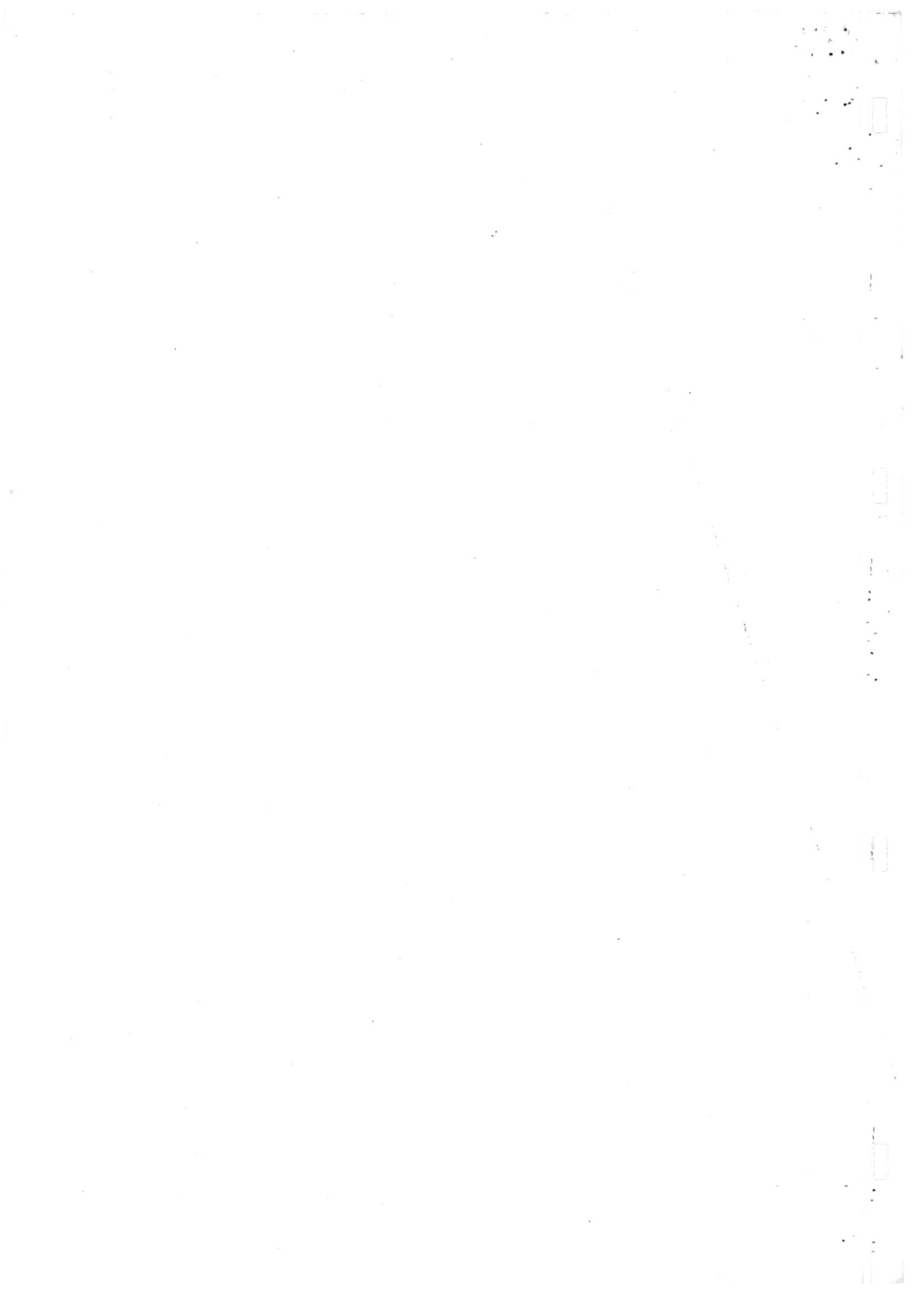
**TOTAL Kshs. 11,850/=**

\*Delete as appropriate

[P.T.O., -

*This Allocation Cancels grant No. CR 308227 and is issued in lieu of outright surrender of MN/VI/3666*

Page 2



ANNEX 4



## NATIONAL LAND COMMISSION

Tel.0202718050

Email.[info@nlc.or.ke](mailto:info@nlc.or.ke)

Website:[www.nlc.or.ke](http://www.nlc.or.ke)

ARDHI HOUSE  
1<sup>st</sup> NGONG AVENUE  
P.O. Box 44417  
NAIROBI  
5<sup>th</sup> April, 2016

**Ref:** NLC/CHAIRMAN/VOL.XV/32

Chairman  
Departmental Committee on Land  
National Assembly of Kenya  
Parliament Buildings  
**NAIROBI**

### **REPORT ON PARCELS MN/VI/1128 – 1132 – MIRITINI MOMBASA COUNTY**

Enclosed is Part One of the said report as requested by yourselves. The other Part shall be submitted in due course. This has been occasioned by the large number of attachments required for the same.

**Prof. Muhammad A. Swazuri, PhD, OGW**  
**Chairman, National Land Commission and**  
**Associate Professor of Land Economics**





## **NATIONAL LAND COMMISSION**

### **REPORT ON PARCELS MN/VI/1128 – 1132 – MIRITINI MOMBASA COUNTY**

---

The National Land Commission has been dealing with this matter since October, 2013, when the title holders to parcels 1128 – 1132 came to inquire about their status. Later, it emerged that the same area was part of the land claimed by the Rwandese Embassy and also one Awale Transporters Limited

Investigations on the two issues i.e. matters to do with encroachment and status of parcels 1128 – 1132 and their authenticity, and the case of Rwandese Embassy land. The Commission sought for information of the said matters from the following sources:-

- 1) Survey officers, both in Mombasa Lands Office, Mombasa County office and at the Director of Surveys office, Nairobi.
- 2) Land officers and Registrars from Nairobi and Mombasa.
- 3) Alleged owners of the plots namely Bamboo Twist Ltd, Awale Transporters Ltd, Pentagon Communication Ltd amongst others. Information was also obtained from Rwandese officials, local residents of the area and lawyers.
- 4) Public Reviews at Mombasa School of Government and at NLC Headquarters.
- 5) Directorate of Criminal Investigations (CID) and the Registrar of Companies.

The following is what the NLC gathered on these issues. It is mostly provided in chronological order of activities where applicable:-

- 1) The GOK acquired parcel Nos.MN/VI/ 1128 to 1132 via Gazette Notice No.248 dated 18<sup>th</sup> January, 1974. This was for future urban development. The NLC has not obtained information as to the status of this land before 1974. This

information is still being looked for, although indications are that this land had already been surveyed. (Gazette Notice attached).

- 2) There is also another gazette notice no.737 dated 6<sup>th</sup> March, 1976 via which the GOK acquired 64 parcels in Section 6 i.e. Miritini area, totaling ..... acres. The purposes of this acquisition was listed as industrial use, low and medium housing and site and service scheme. Within this notice were 2 parcels, 1133 and 1134, which lie adjacent to 1128 – 1132.
- 3) Through the same gazette notice, another 17 parcels totaling approximately .....acres were also acquired for the same purposes. A look at the land map of the area indicates that all these 81 parcels cover the area from Changamwe to past Miritini near Mazera. (Map attached).
- 4) Although details have not yet been obtained by the NLC, it would appear that either the government did not complete the intended acquisitions or only some of the land was actually acquired. Chaani site and site service scheme and Miritini site and service scheme are part of the beneficiaries of these acquisitions. Majority of the rest of the listed parcels in the gazette notices are now in private hands, with titles, all the way from Changamwe to Miritini. Neither has the Commission come across any gazette notice to cancel the acquisitions. We still have to find out how intended acquisitions almost all ended up in private hands. Over this long stretch of developed land are found mixed developments, industries, residences and commercial users.
- 5) Some of the acquired parcels, having been left unused for decades, attracted squatters, some of whom are still there to date.
- 6) The local residents or squatters occupying parcels 1128 – 1132 seem to have applied for and obtained letters of allotment for the 5 pieces of land. These letters are dated 10<sup>th</sup> January, 2000 (attached), but we have not yet established how they applied for them and when. On 27<sup>th</sup> August, 2012, the Town Clerk of Mombasa wrote to the five i.e. Samuel Charo Kazungu, James Ngoro, Andrew K. Kirongo, Joseph Marwa and David Gatoke, confirming that the Letters of Allotment were genuine, and that the Mombasa Municipal Council had no adverse comments for the said allocations, since it had no current urban development plan. (letter attached).
- 7) With their letters of allotment, the 5 local squatters approached Bamboo Twist Ltd, to purchase the parcels from them in July 2012.
- 8) Bamboo Twist Ltd. claim to have been working on neighbouring lands at that time and found it fitting to buy the subject parcels.

- 9) Bamboo Twist enquired about the government compulsory acquisition but were assured by the squatters that their letters of allotment were genuine and sanctioned by the Municipal Council of Mombasa.
- 10) Indeed, further checks confirmed that parcels 1133 and 1134, next to the subject parcels had also been allocated to private persons and titles issued wayback in 1985.
- 11) Squatters claimed that since obtaining their letters of allotment in 2000, they had been unable to process titles because they could not raise the needed stand premiums.
- 12) Bamboo Twist Ltd accepted to pay premiums for the 5 squatters as part of the purchase deal. (receipts attached )
- 13) Bamboo Twist Ltd purchased the parcels via sale agreements, all executed on 10<sup>th</sup> May, 2013 (agreements attached). Transfers were drawn and completed by November, 2013 for 1128 and 1229, while transfers for 1130 and 1131 were completed later. The title for 1132 is still being awaited by Bamboo Twist Ltd.
- 14) While the negotiations to buy from the 5 locals was going on, many squatters invaded the plots. In November, 2013, Bamboo Twist Ltd began paying-off the squatters to settle elsewhere and spent about Kshs.32 million in the process (payment schedule attached). During the NLC public review sessions in Mombasa, representatives of the squatters confirmed that they received the payments.
- 15) These parcels were confirmed by the Chief Land Registrar to have been in existence since 1952. The said parcels were subdivision plots from the original LR.NO.MN/VI/784 (letter attached). They were issued with deed plan Nos.51705 to 51709 respectively. The same confirmation was made by the Senior Deputy Director of Surveys via a letter dated 3<sup>rd</sup> December, 2014.
- 16) Sometime in October 2013, a company of lawyers, A Kasmani & Company Advocates wrote to the NLC complaining of their client's parcels being encroached upon by LR.NO.MN/VI/4055. The clients included Pentagon Communication Ltd, Corbell Enterprises Limited and Butler Estates Ltd. (Letter attached).
- 17) These complainants intimated that Plot 4055/MN/VI, allegedly owned by Awale Transporters, had somehow overlapped or encroached on to several plots, namely 3638, 3640, 3667 and 3668.

- 18) The complainants hinted that Awale was planning to subdivide LR.NO.4055, which would affect their properties if allowed.
- 19) While all this was going on, the NLC received information that land which had been allocated to the Rwandese Embassy had been grabbed, and a replacement was needed. The said land was mentioned as LR.NO.MN/VI/3666, which was being occupied by Awale Transporters.
- 20) In December, 2014, NLC requested Bamboo Twist to appear before the public review committee in Mombasa because there was complaint regarding parcel 1128. Bamboo Twist appeared and presented all the requisite documents i.e. deed plan, part development plan, receipt of stand premium paid and letter of allotment.
- 21) In December, 2014 the CEO, NLC requested the Director of Surveys to provide information on parcels 1128 – 1132. The report was received, in which there was confirmation that the allocation and documents to Bamboo Twist were in order (copy attached). Based on this, the NLC formed an opinion that the parcels were legally processed.
- 22) The request by CEO, NLC to DOS was prompted by the inability to get proper information on the fate of the Rwandese Embassy land, sometimes said to be LR.NO.3666 and at other times said to be on 1128 to 1132.



**Prof. Mohammad A. Swazuri, PhD, OGW**  
**Chairman, National Land Commission and**  
**Associate Professor of Land Economics**

5<sup>th</sup> APRIL, 2016

*TRANSFER OF LEASE*

**JAMES NDORO**  
(the "Transferor")

-TO-

**BAMBOO TWIST LIMITED**  
(the "Transferee")

---

in respect of land and buildings comprised in  
L.R. No.1129/VI/MN

---

A. B. PATEL & PATEL  
ADVOCATES & NOTARIES  
P.O. BOX 80274  
ORIENTAL BUILDING,  
NKRUMAH ROAD  
MOMBASA - 80100

TEL: 2226518/9 - 2225992  
0726 666 665  
0736 230 000  
FAX: 2228864  
E-MAIL: [law@abpateladvocates.com](mailto:law@abpateladvocates.com)



REPUBLIC OF KENYA

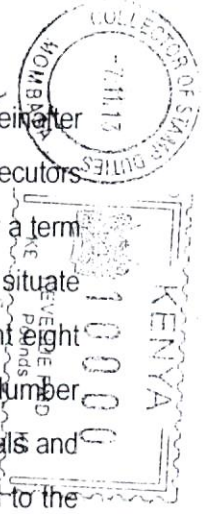
IN THE MATTER OF THE LAND ACT NO. 6 OF 2012  
IN THE MATTER OF THE LAND REGISTRATION ACT NO. 3 OF 2012 AND  
IN THE MATTER OF THE REGISTRATION OF TITLES ACT CAP 281 (REPEALED)

GRANT NUMBER C.R. 59437  
ANNUAL RENT: KSHS.137,000.00 (REVISABLE)  
TERM: 99 YEARS FROM 1.1.2000

TRANSFER OF LEASE

11:30A  
386

JAMES NDORO Of Post Office Box Number 20 Samburu in the Republic of Kenya (hereinafter called "the Transferor" which expression where the context so admits shall include his heirs executors administrators and assigns) is registered as proprietor as lessee from the Government of Kenya for a term of ninety nine (99) years from the first day of January Two Thousand of ALL THAT piece of land situate Mombasa Municipality in the Mombasa District of the said Republic containing by measurement eight decimal one three nought (8.130) hectares or thereabouts that is to say Land Reference Number 1129/VI/Mainland North (Original No. 784/2) which said piece of land with the dimension abutments and boundaries thereof is delineated more particularly on Land Survey Plan Number 51706 annexed to the Grant registered in the Land Titles Registry at Mombasa as C.R.No.59437/1 together with any improvements and structures thereon subject however to the such charges leases encumbrances and other matters specified in the Memorandum hereunder written (hereinafter called "the Property") IN CONSIDERATION of the sum of **Kenya Shillings Five Million (KShs.5,000,000.00)** paid to the Transferor by BAMBOO TWIST LIMITED a limited liability company incorporated in the Republic of Kenya having its registered office at Mombasa aforesaid and whose postal address is Post Office Box Number 83254 Mombasa-80100 aforesaid (hereinafter called "the Transferee" which expression where the context so admits shall include its successors and assigns) on or before the execution of these presents (the receipt of which sum the Transferor hereby acknowledge) DO HEREBY TRANSFER all his rights title and interest in and to the Property to the Transferee.



IN WITNESS WHEREOF the Transferor hereto has hereunto subscribed his name hereto and the Transferee hereto has hereunto caused its Common Seal to be affixed hereto this 6<sup>th</sup> day of NOVEMBER Two Thousand and Thirteen.



THE TRANSFEROR

SIGNED by the said JAMES NDORO  
in the presence of:-



ID/No. 10227829  
PIN No. A0016625607

Signature Jnd

I CERTIFY that the above-named certify that the above the above photograph is a true likeness of James Ngoro and that he is the holder of the above referenced ID and PIN Card Numbers.



THE TRANSFEREE

THE COMMON SEAL of the said  
BAMBOO TWIST LIMITED was hereunto  
affixed in the presence of:-

DIRECTOR

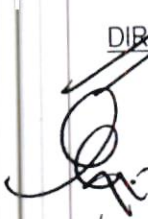


ID/No. 540204711

PIN No. A0001872276

Signature.....

DIRECTOR/SECRETARY



ID/No. 8468243

PIN No. A0001849540

Signature.....

100

100

100

100

100

100

I hereby certify that the above photograph are the true likeness of HARJI G. RUDRA (holder of ID PP No. 540204711 & PIN No. 1000187274) and N. C. KANU (holder of ID No. 8468243 & PIN No. 1001679554) being the directors/secretary of the Transferee and that the originals of their respective PIN & ID Cards were produced to me for verification.

**NAZIMA KASMANI**  
ADVOCATE  
P. O. Box 80274  
MOMBASA - 80100  
*N. Kasmani*  
Signature and Designation of  
Person Certifying

MEMORANDUM

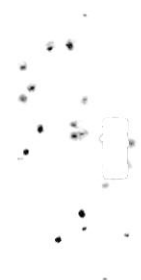
1. Form of Transfer adopted from Form F of the Registration of Titles Act (Cap 281) (Now Repealed) pursuant to Section 108 of The Land Registration Act 2012.
2. The provisions of The Government Act (Chapter 280) (now repealed) and The Registration of Titles Act (Chapter 281) (now repealed)
3. The provisions of The Land Act 2012 and The Land Registration Act 2012.

DRAWN BY:-

A B PATEL & PATEL  
ADVOCATES & NOTARIES  
P O BOX 80274  
MOMBASA - 80100  
RTA TRANSFER OF LEASE - Plot No.1128

"Note: The person attesting the signature must authenticate the coloured passport size photograph. National ID Number and Tax PIN Number".

11-3842  
18th NOVEMBER 2013  
9437/2  
*[Signature]*



**TRANSFER OF LEASE**

**SAMWEL CHARO KAZUNGU**  
(the "Transferor")

- TO -

**BAMBOO TWIST LIMITED**  
(the "Transferee")

---

in respect of land and buildings comprised in  
L.R. No.1128/VI/MN

---

A. B. PATEL & PATEL  
ADVOCATES & NOTARIES  
P.O. BOX 80274  
ORIENTAL BUILDING  
NKURUMAH ROAD  
MOMBASA - 80100

TEL: 2226518/9 - 2225992  
0726 666 665  
0736 230 000  
FAX: 2228864  
E-MAIL: [law@abpateladvocates.com](mailto:law@abpateladvocates.com)



REPUBLIC OF KENYA

IN THE MATTER OF THE LAND ACT NO. 6 OF 2012  
IN THE MATTER OF THE LAND REGISTRATION ACT NO. 3 OF 2012 AND  
IN THE MATTER OF THE REGISTRATION OF TITLES ACT CAP 281 (REPEALED)

GRANT NUMBER C.R. 59439  
ANNUAL RENT: KSHS.137,000.00 (REVISABLE)  
TERM: 99 YEARS FROM 1.1.2000

TRANSFER OF LEASE

11:30 AM  
385

SAMWEL CHARO KAZUNGU Of Post Office Box Number 2775 Mombasa in the Republic of Kenya (hereinafter called "the Transferor" which expression where the context so admits shall include his heirs executors administrators and assigns) is registered as proprietor as lessee from the Government of Kenya for a term of ninety nine (99) years from the first day of January, Two Thousand of ALL THAT piece of land situate Mombasa Municipality in the Mombasa District of the said Republic containing by measurement eight decimal two two nought (8.220) hectares or thereabouts that is to say Land Reference Number 1128/VI/Mainland North (Original No. 784/1) which said piece of land with the dimension abuttals and boundaries thereof is delineated more particularly on Land Survey Plan Number 51705 annexed to the Grant registered in the Land Titles Registry at Mombasa as C.R.No.59439/1 together with any improvements and structures thereon subject however to the such charges leases encumbrances and other matters specified in the Memorandum hereunder written (hereinafter called "the Property") IN CONSIDERATION of the sum of **Kenya Shillings Five Million (KShs.5,000,000.00)** paid to the Transferor by BAMBOO TWIST LIMITED a limited liability company incorporated in the Republic of Kenya having its registered office at Mombasa aforesaid and whose postal address is Post Office Box Number 83254 Mombasa-80100 aforesaid (hereinafter called "the Transferee" which expression where the context so admits shall include its successors and assigns) on or before the execution of these presents (the receipt of which sum the Transferor hereby acknowledge) DO HEREBY TRANSFER all his rights title and interest in and to the Property to the Transferee.

IN WITNESS WHEREOF the Transferor hereto has hereunto subscribed his name hereto and the Transferee hereto has hereunto caused its Common Seal to be affixed hereto this 6<sup>th</sup> day of NOVEMBER Two Thousand and Thirteen.



THE TRANSFEROR

SIGNED by the said SAMWEL CHARO KAZUNGU  
in the presence of:-



ID/No. 1165596

PIN No. ....

Signature [Handwritten Signature]

I CERTIFY that the above-named, certify that the above the above photograph is a true likeness of  
Samwel Charo Kazungu and that he is the holder of the above referenced ID and PIN Card Numbers.



THE TRANSFEREE

THE COMMON SEAL of the said  
BAMBOO TWIST LIMITED was hereunto  
affixed in the presence of:-



DIRECTOR

ID/No. 540204711

PIN No. A000187227L

Signature.....

DIRECTOR/SECRETARY



ID/No. 8468243

PIN No. A000184954P

Signature.....



I hereby certify that the above photograph are the true likeness of HARJI G. RUDA (holder of ID No. 540204711 & PIN No. 4000187297) and N.C. KANGU (holder of ID No. 8468243 & PIN No. 4000187297) being the directors/secretary of the Transferee and that the originals of their respective PIN & ID Cards were produced to me for verification.

**NAZIMA KASMANI**  
ADVOCATE  
P. O. Box 80274  
MOMBASA - 80100  
Signature and Designation of  
PERSON CERTIFYING

MEMORANDUM

1. Form of Transfer adopted from Form F of the Registration of Titles Act (Cap 281) (Now Repealed) pursuant to Section 108 of The Land Registration Act 2012.
2. The provisions of The Government Act (Chapter 280) (now repealed) and The Registration of Titles Act (Chapter 281) (now repealed)
3. The provisions of The Land Act 2012 and The Land Registration Act 2012.

DRAWN BY:-

A B PATEL & PATEL  
ADVOCATES & NOTARIES  
P O BOX 80274  
MOMBASA - 80100  
RTA TRANSFER OF LEASE - Plot No.1128

29/11/13  
11:30 AM  
18th Nov 2013

"Note: The person attesting the signature must authenticate the coloured passport size photograph. National ID Number and Tax PIN Number".



BAMBOO TWIST LTD											
No.	Name	ID Number	Amount agreed	Amount Paid - 1	Date	Amount Paid - 2	Date	Amount Paid - 3	Date	Total Paid todate	Amount Balance
1	Mwatsumo Salim Mwamjeni	9395258	250,000.00	50,000.00	13.11.2013	200,000.00	18.11.2013			250,000.00	-
2	Alfan Salim Mwamjeni	22979162	255,000.00	50,000.00	13.11.2013	205,000.00	25.11.2013			255,000.00	-
3	Sikukuu Ali	23962922	200,000.00	200,000.00	15.11.2013					200,000.00	-
4	Asha Rizki Katana	2272836	500,000.00	100,000.00	16.11.2013	200,000.00	23.11.2013	50,000.00	06.12.2013	500,000.00	-
						100,000.00	29.11.2013	35,000.00	09.01.2014	135,000.00	-
								15,000.00	20.02.2014		-
5	Elizabeth Kache Kitsao	9966964	450,000.00	100,000.00	16.11.2013	350,000.00	02.12.2013			450,000.00	-
6	Saumu Samson Fujo	30948396	270,000.00	70,000.00	16.11.2013	200,000.00	20.11.2013			270,000.00	-
7	Mariam Samson Fujo	26139062	270,000.00	70,000.00	16.11.2013	200,000.00	20.11.2013			270,000.00	-
8	Lydia Wanjiku Kimaru	0982968	325,000.00	100,000.00	18.11.2013	225,000.00	20.11.2013			325,000.00	-
9	Masood Salim Mwamjeni	21572754	100,000.00	100,000.00	19.11.2013					100,000.00	-
10	Athman Dzombo Ngoka	14624652	300,000.00	150,000.00	19.11.2013	150,000.00	04.12.2013			300,000.00	-
11	Zubeda Mlongo Lukuni	29525735	350,000.00	150,000.00	19.11.2013	200,000.00	28.11.2013			350,000.00	-
12	Fauzia Matano Mwinyihaji	11458038	350,000.00	150,000.00	19.11.2013	200,000.00	27.11.2013			350,000.00	-
13	Kanyasi Tsama Panga	2193893	200,000.00	50,000.00	22.11.2013	50,000.00	29.11.2013	50,000.00	06.12.2013	200,000.00	-
								50,000.00	13.01.2013		-
14	John Choga Albert	11139566	450,000.00	100,000.00	25.11.2013	100,000.00	29.11.2013	200,000.00	09.12.2013	450,000.00	-
								25,000.00	08.01.2014		-
								25,000.00	20.02.2014		-
15	Mwanajuma Ali	2257990	275,000.00	100,000.00	20.11.2013	100,000.00	09.01.2014	75,000.00	17.01.2014	275,000.00	-
16	Juma Salim Mwamjeni	13282235	40,000.00	20,000.00	26.11.2013	20,000.00	01.12.2013			40,000.00	-
17	<b>Farida Nyambura Ngala - SALE</b>	22448548	405,000.00	5,000.00	26.11.2013	400,000.00	02.12.2013			405,000.00	-
18	Mariam Chari Ali	27235678	275,000.00	75,000.00	26.11.2013	200,000.00	04.12.2013			275,000.00	-
19	Amina Halako Hamesa	30559868	180,000.00	50,000.00	26.11.2013	130,000.00	02.12.2013			180,000.00	-
20	<b>Paulina Nazi Lwembe - SALE</b>	14493272	450,000.00	100,000.00	26.11.2013	350,000.00	28.11.2013			450,000.00	-
21	Shee Salim Juma	20397411	40,000.00	15,000.00	26.11.2013	25,000.00	28.11.2013			40,000.00	-
22	Matano Tsui Ambari	013377226	750,000.00	300,000.00	29.11.2013	250,000.00	11.12.2013	100,000.00	16.01.2014	750,000.00	-
								100,000.00	20.02.2014		-
23	Hadija Jumaa Saidi	8372188	300,000.00	100,000.00	02.12.2013	200,000.00	04.12.2013			300,000.00	-
24	Musatu Ywa Mwangadu	20483795	310,000.00	100,000.00	02.12.2013	210,000.00	06.12.2013			310,000.00	-
25	Michael Lwembe	21997976	800,000.00	200,000.00	02.12.2013	300,000.00	05.12.2013	200,000.00	11.12.2013	725,000.00	-
								25,000.00	25.02.2014		-
26	Lawrence Kombe Lwembe	14493273	350,000.00	100,000.00	02.12.2013	150,000.00	05.12.2013	50,000.00	20.02.2014	350,000.00	-
								50,000.00	25.02.2014		-
27	Stephen Mwara Mumbi	13646811	800,000.00	400,000.00	03.12.2013	400,000.00	10.12.2013			800,000.00	-
28	<b>Afzal Abdul Fazaldin - SALE</b>	9986867	600,000.00	300,000.00	09.12.2013	300,000.00	23.12.2013			600,000.00	-
29	Sophia Kesere Kanzo	27461457	450,000.00	150,000.00	04.12.2013	200,000.00	11.12.2013	100,000.00	08.01.2014	450,000.00	-
30	Zubeda Nyamvura	24369377	375,000.00	175,000.00	11.12.2013	100,000.00	09.01.2014	100,000.00	15.01.2014	375,000.00	-
31	Mbeyu Chiradho Mgandi	2193994	275,000.00	125,000.00	09.01.2014	50,000.00	16.01.2014	50,000.00	20.02.2014	275,000.00	-
								50,000.00	06.03.2014		-
32	Kidanga Chizi Mwaruwa c/o Shaba	10768688	220,000.00	120,000.00	09.01.2014	50,000.00	16.01.2014	25,000.00	20.02.2014	220,000.00	-
								25,000.00	06.03.2014		-
33	Mbaji Mwandenge Kamoti	5023169	255,000.00	100,000.00	13.01.2014	100,000.00	17.01.2014	55,000.00	25.02.2014	255,000.00	-
34	Matano Chimera	c/o20673970	225,000.00	125,000.00	20.02.2014	100,000.00	27.02.2014			225,000.00	-
35	John Kinyanjui Ndige	5832087	350,000.00	350,000.00	21.02.2014					350,000.00	-
36	Agnes Njambi Kamau	14565952	1,400,000.00	500,000.00	21.02.2014	500,000.00	21.03.2014	400,000.00	21.04.2014	1,400,000.00	-



	Ndegwa	c/o 2272836	250,000.00	150,000.00	24.02.2014	100,000.00	04.03.2014			250,000.00	
38	Shaban Ali Kidanga	10768688	380,000.00	200,000.00	24.02.2014	150,000.00	27.02.2014	30,000.00	04.03.2014	380,000.00	
39	Alice Muthoni Mwangi	8051977	200,000.00	200,000.00	28.02.2014					200,000.00	
40	Julia Thirindi Samwel	2487841	575,000.00	300,000.00	28.02.2014	275,000.00	28.03.2014			575,000.00	
	Julia Thirindi Samwel	2487841	50,000.00	50,000.00	05.03.2014					50,000.00	
41	Patrick Gitonga Kathia	24387813	350,000.00	200,000.00	05.03.2014	150,000.00	05.04.2014			350,000.00	
42	Josphine Nyadzua Genya	20706632	125,000.00	100,000.00	05.03.2014	25,000.00	13.03.2014			125,000.00	
43	Benard Munigu Gathalya	0181115	120,000.00	120,000.00	06.03.2014					120,000.00	
44	Anastasia Nyandunu Ndegwa	8575916	230,000.00	230,000.00	06.03.2014					230,000.00	
45	Mariam Nadzua Mwaruwa	13281313	200,000.00	100,000.00	06.03.2014	100,000.00	13.03.2014			200,000.00	
46	Peter Olwal Mnyalla	21089354	140,000.00	140,000.00	07.03.2014					140,000.00	
47	Pauline Ncabani Pangras	13354476	180,000.00	180,000.00	17.03.2014					180,000.00	
48	Mariam Nyaye Mbeyu	5412128	370,000.00	150,000.00	18.03.2014	110,000.00	24.03.2014	110,000.00	24.04.2014	370,000.00	
49	Franics Kamani Kinyajui	4918382	1,750,000.00	750,000.00	20.03.2014	500,000.00	20.04.2014	500,000.00	20.05.2014	1,750,000.00	
50	Henry Wanyoike Maina	14574329	110,000.00	110,000.00	20.03.2014					110,000.00	
51	James Njuguna Kungu	13209377	120,000.00	120,000.00	09.04.2014					120,000.00	
52	Joseph Mungai Ngigi	22915855	130,000.00	130,000.00	12.04.2014					130,000.00	
53	Amina Mose Swaleh	28196117	210,000.00	60,000.00	16.04.2014	100,000.00	23.04.2014	50,000.00	06.05.2014	210,000.00	
54	Rehama Faraj	11789616	300,000.00	150,000.00	05.05.2014	50,000.00	19.05.2015	50,000.00	26.05.2014	300,000.00	
								25,000.00	12.06.2014		
								25,000.00	23.06.2014		
55	Sahrlet Wakesho Mwasi	31324349	120,000.00	120,000.00	06.05.2014					120,000.00	
56	Amina Kibwana Amani	29221931	160,000.00	50,000.00	06.05.2014	100,000.00	13.05.2014	10,000.00	22.05.2014	160,000.00	
57	Mzingo Gandani Wambari	2141343	180,000.00	60,000.00	06.05.2014	100,000.00	13.05.2014	20,000.00	22.05.2014	180,000.00	
58	Mourine Akinyi Arudhi	30594334	180,000.00	60,000.00	06.05.2014	100,000.00	13.05.2014	25,000.00	22.05.2014	185,000.00	(5,000.00)
59	Daniel Nyambu Olee	25991045	140,000.00	45,000.00	06.05.2014	95,000.00	13.05.2014			140,000.00	
60	Joyce Karambu Kabai	26826637	150,000.00	50,000.00	07.05.2014	80,000.00	15.05.2014	20,000.00	19.05.2014	150,000.00	
61	Lucy Nyamvula Jana	24440255	40,000.00	10,000.00	08.05.2014	30,000.00	15.05.2014			40,000.00	
62	James Jana Tsuma	29149424	80,000.00	30,000.00	08.05.2014	50,000.00	26.05.2014			80,000.00	
63	Uchi Chikozza Mwero	24668283	230,000.00	100,000.00	12.05.2014	100,000.00	16.05.2014	30,000.00	30.05.2014	230,000.00	
64	Mendungo Kea Ozuma	13456986	350,000.00	150,000.00	14.05.2014	50,000.00	20.05.2014	100,000.00	26.05.2014	350,000.00	
								50,000.00	17.06.2014		
65	Zuma Ngome - FARMING	30130700	15,000.00	15,000.00	27.05.2014					15,000.00	
66	Zuma Ngome - Facilitation	30130700	35,000.00	35,000.00	27.05.2014					35,000.00	
67	Binti Mbaruk Hassan - PLOT	20741127	75,000.00	75,000.00	27.05.2014					75,000.00	
68	Baraka Yusuf Juma - PLOT	14620800	75,000.00	75,000.00	27.05.2014					75,000.00	
69	Hamisi Mkala Kazungu - PLOT	13448876	75,000.00	75,000.00	27.05.2014					75,000.00	
70	Kibwana Hamisi Bekidussa - PLOT	22194318	75,000.00	75,000.00	27.05.2014					75,000.00	
71	Willy Kazungu Chondo - PLOT	10504344	75,000.00	75,000.00	27.05.2014					75,000.00	
73	Amina Dzumbe Kamunzu - PLOT	20684052	75,000.00	75,000.00	27.05.2014					75,000.00	
74	Mwashamba Mwazighe	9781056	75,000.00	25,000.00	13.06.2014	25,000.00	08.07.2014	25,000.00	01.08.2014	75,000.00	
75	Ismail Mohamed Masai	26260059	140,000.00	50,000.00	17.06.2014	50,000.00	18.06.2014	40,000.00	25.06.2014	140,000.00	
76	Kaschana Ndurya Mwatumbi	24703488	220,000.00	120,000.00	24.06.2014	50,000.00	03.07.2014	50,000.00	08.07.2014	220,000.00	
77	Khamisi Kobo Godana	0505003	250,000.00	150,000.00	20.06.2014	50,000.00	03.07.2014	50,000.00	08.07.2014	250,000.00	
78	Ali Mwambaji Loka	28533668	220,000.00	100,000.00	16.07.2014	70,000.00	21.07.2014	50,000.00	30.07.2014	220,000.00	
79	Umazi Daniel Mwangambo	20698824	170,000.00	70,000.00	12.08.2014	100,000.00	15.08.2014			170,000.00	
80	Rajab Kuri Peter	27838892	160,000.00	75,000.00	13.08.2014	85,000.00	19.08.2014			160,000.00	
81	Saume Kalume c/o Athuman Tsum	20683970	110,000.00	60,000.00	16.09.2014	50,000.00	22.09.2014			110,000.00	
82	Dzame Tsuma Mwatela	32060618	240,000.00	120,000.00	19.08.2014	120,000.00	26.08.2014			240,000.00	
83	Halima Mnyazi Kaphutsu	32327281	155,000.00	75,000.00	19.08.2014	80,000.00	26.08.2014			155,000.00	
84	Jumia Hamisi Mwanzi	23080058	600,000.00	200,000.00	23.09.2014	150,000.00	29.09.2014	100,000.00	06.10.2014	600,000.00	



85	Abdalla Ali Hamesa	10310208	500,000.00	200,000.00	23.09.2014	100,000.00	02.10.2014	100,000.00	16.10.2014		
								50,000.00	06.11.2014		
								75,000.00	14.10.2014	500,000.00	
								25,000.00	24.10.2014		
								50,000.00	10.11.2014		
86	Nuru Ali c/o Asha Riziki Katana	2272836	230,000.00	100,000.00	25.09.2014	100,000.00	02.10.2014	50,000.00	24.02.2015		
87	Jumaa Tungwa Ndegwa	31269140	200,000.00	90,000.00	29.09.2014	110,000.00	06.10.2014	30,000.00	07.10.2014	230,000.00	
88	Matano Juma Makiti	20712340	350,000.00	150,000.00	29.09.2014	100,000.00				200,000.00	
								50,000.00	14.11.2014	350,000.00	
								50,000.00	24.11.2014		
89	Hassan Saidi Magada	21236706	200,000.00	50,000.00	03.10.2014	100,000.00	14.10.2014	50,000.00	21.10.2014	200,000.00	
90	Mashaka Salimu Ngeti	5382838	180,000.00	90,000.00	09.10.2014	90,000.00	16.10.2014			180,000.00	
91	Ahmed Noor Mohamed	8183044	300,000.00	150,000.00	15.10.2014	150,000.00	21.10.2014			300,000.00	
92	Jack Mgosi	20266001	180,000.00	90,000.00	15.10.2014	90,000.00	23.10.2014			180,000.00	
93	Mwinyihaji Wanje Ali	9371154	780,000.00	400,000.00	16.10.2014	200,000.00	21.10.2014	100,000.00	14.11.2014	780,000.00	
								80,000.00	24.11.2014		
								10,000.00	27.05.2015		
94	Jumaa Ali Wanje	0505854	330,000.00	150,000.00	29.10.2014	100,000.00	07.11.2014	50,000.00	14.11.2014	330,000.00	
								30,000.00	24.11.2014		
95	Rajabu Kasimu Rajabu	2227434	570,000.00	200,000.00	03.11.2014	200,000.00	10.11.2014	100,000.00	24.11.2014	570,000.00	
								70,000.00	13.12.2014		
96	Mbeyu Ngoro Mwalwe	21087260	260,000.00	120,000.00	06.11.2014	50,000.00	14.11.2014	90,000.00	24.11.2014	260,000.00	
97	Mnyazi Charo Mwakidemu	26204310	200,000.00	100,000.00	26.02.2015	100,000.00	03.03.2015			200,000.00	
98	Ali Hamis	11648172	200,000.00	100,000.00	27.02.2015	100,000.00	02.03.2015			200,000.00	
99	Dickson Mwatela Rumba	10833179	850,000.00	450,000.00	02.03.2015	200,000.00	11.03.2015	200,000.00	10.04.2015	850,000.00	
100	Joyce Mbodze Nzaka	11375400	700,000.00	350,000.00	02.03.2015	200,000.00	17.03.2015	150,000.00	17.04.2015	700,000.00	
101	Juma Karisa Charo c/o Karisa Charo	30720396	160,000.00	100,000.00	02.03.2015	60,000.00	11.03.2015			160,000.00	
102	Matano Charo Karisa	21067492	160,000.00	100,000.00	02.03.2015	60,000.00	11.03.2015			160,000.00	
103	Karisa Charo Karisa	30720396	240,000.00	120,000.00	02.03.2015	120,000.00	11.03.2015			240,000.00	
104	Fatuma Mose Kobo	20852171	150,000.00	75,000.00	05.02.2015	75,000.00	09.03.2015			150,000.00	
105	Charles Kisambo Chamwama	9665475	270,000.00	140,000.00	13.04.2015	80,000.00	20.04.2015	50,000.00	20.05.2015	270,000.00	
106	Kassim M Kapera	533980	650,000.00	350,000.00	13.04.2015	100,000.00	29.04.2015	100,000.00	27.05.2015	650,000.00	
									27.06.2015		
107	Omar Bekwekwe Kachongo	24076081	250,000.00	150,000.00	17.04.2015	100,000.00	22.04.2015			250,000.00	
108	Salim Mugandi Kachongo	25248650	216,000.00	116,000.00	24.04.2015	50,000.00	02.06.2015	50,000.00	11.06.2015	216,000.00	
109	Omari Manbo Kachongo	24580735	261,000.00	150,000.00	24.04.2015	50,000.00	02.06.2015	61,000.00	11.06.2015	261,000.00	
110	Umazi Kachongo Bejira	2186251	375,000.00	200,000.00	24.04.2015	50,000.00	02.06.2015	25,000.00	02.06.2015	375,000.00	
								50,000.00	10.06.2015		
								50,000.00	10.07.2015		
111	Mlongo Rumba Charo	2200332	320,000.00	170,000.00	29.04.2015	100,000.00	07.05.2015	15,000.00	15.05.2015	320,000.00	
								35,000.00	30.05.2015		
.12											
GOODWILL											
1	Mwansiti Salim Juma - FARM	2256497	30,000.00	30,000.00	17.06.2014						
2	Umanzi Kachongo Bejira - Vegetati	2186251	100,000.00	100,000.00	25.02.2015					30,000.00	
										100,000.00	
			32,867,000.00								
										(5,000.00)	



SALP No. 195109

ORIGINAL  
 Charge no. 083278  
083475  
 024172

DEPARTMENT OF LANDS

FEE RECEIPT  
 Station Nairobi

26 / 11 / 1947

		NATURE OF FEE	Sh.	cts.
Received from	<u>Gopal</u>	Certificate of Title ..	250	=
	<u>Cons. Co. Ltd</u>	Registration ..		
of	<u>Box 82908</u>	Search Certificate ..		
	<u>Mombasa</u>	Opening New Register ..		
		Attestation ..		
		Inspection ..		
		Copying ..		
		Conveying/Preparation	1250	=
Cash				
By	the sum of	Survey Fees ..		
Cheque				
Shilling	<u>Three Hundred</u>	Rent ..		
	<u>Twenty Nine</u>		999	=
	<u>Plangirang, Six</u>	Standard Premium ..	300,000	=
	<u>Hundred Ninty</u>			
	<u>Nine only</u>	Stamp Duty ..	7200	=
cents		Land Adjudication Fees		
As per marginal statement nature of transaction	<u>LT</u>	Deposits		
		Appraisal fee	2000	=
		Planning fee	9000	=
Title Number	<u>IND - Plot</u>			
	<u>No. A' - M.N</u>			
	<u>Q.A.</u>			
for COMMISSIONER OF LANDS		TOTAL KSh.	329699	=



File: 1951

338/26!

MM/V1/4055-

File 195109

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718150V  
Gopal Construction Co.,  
P.O. Box 82908,  
MOMBASA.

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

10th November

19 97

Ref. No. 90750/XIV

SIR(S)/MADAM, UNS. LIGHT INDUSTRIAL PLOT NO 'A' MN

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. PDP No.12.3.CT.331.96 subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 1.0 hectares (approximately) 1.11.97.  
TERM: 99 years from the \_\_\_\_\_  
STAND PREMIUM: Sh. 300000.00  
ANNUAL RENT: Sh. 60000.00 } Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	300,000.00
Rent from 1.11.97. to 31.12.97.	9,999.00
Conveyancing Fees	1,250.00
Registration Fees	250.00
Rates on demand	-
Stamp Duty	7,200.00
Survey Fees on demand	-
Road and Road Drains on demand	-
Others Approval fees	2,000.00
Planning fees	9,000.00
Receipt No. Less Deposit	
TOTAL	329,699.00

[P.T.O.]

\*Delete as appropriate

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If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

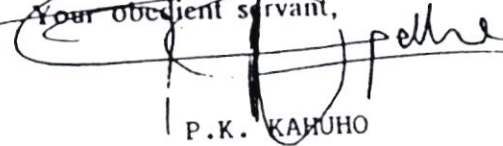
Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any

liability whatsoever in the event of prior commitment or otherwise

I have the honour to be,

Sir(s)/Madam,

Your obedient servant,



P.K. KAHUHO

for Commissioner of Lands

Authority:

GOVT. 90750/XIV/41

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. Mombasa Mun. Council

~~The District Commissioner, County Council of~~

The District Commissioner. Mombasa

The Director of Physical Planning, Nairobi.

District Land Officer.

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

GPK (1)





REPUBLIC OF KENYA  
Ministry of Land, Housing & Urban Development  
*Survey Department*  
*Internal Memo*

To : Cabinet Secretary  
Ministry of Land, Housing &  
Urban Development

From : Senior Deputy  
Director of Land  
Surveys

Ref: CR/274S/ Vol.45/182

Date: 3rd December, 2014

**RE: REPORT ON "RWANDAN EMBASSY" LAND LR NO. MN/VI/1128-1132 IN MOMBASA MAINLAND NORTH**

This report follows the request by the CEO National Land Commission to carry out a consolidation survey for "Rwandan Embassy" land parcels No. MN/VI/1128 -1132 within the city of Mombasa.

We regret we were unable to execute the survey due to the following:-

Copies of ownership documents were not attached. Proposed consolidation plans were neither approved by the County Government neither by the National Government as provided for by the Law.

Other parties have emerged laying claims to the same land. These necessitated interrogating my records to ascertain the truth of the matter.

The records in my custody indicate that:-

1. LR No.MN/VI/1128-1132 arose from a division of MN/VI/784 carried out in 1952. The plots were thereafter issued with Deed Plans No.51705 – 51709 respectively.
2. In year 2012 New Grant survey of LR No.MN/VI/1128, MN/VI/1129, MN/VI/1130, MN/VI/1131 and MN/VI/32 was submitted to Director of Surveys. The survey followed allocation of the plots MN/VI/1129 – 1132 to Samuel Charo Kazungu, James Ngoro, Andrew K. Kirongo, Joseph Marwa and David Gatoke. All the letters of allotment bore

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ref. No.7647/101 and were all dated 10th January, 2000. The records further indicate that certified true copies of DPs Nos.51705 and 51706 were issued in January, 2013.

This confirms that DP No.51705 (for MN/VI/1128 and 51706 (for MN/VI/1129 are authentic and originated from this office.

3. **Plot LR No.MN/VI/4055** claimed by Awale Transporters.

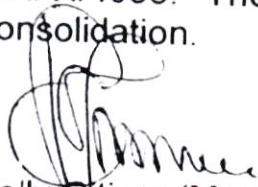
My records show that MN/VI/4055 is a plot measuring 0.9463 Ha allocated to Gopal Construction Co. in 1997 for Light Industry (attached find a copy of letter of allotment and survey plan).

MN/VI/4055 is **NOT** a consolidation of MN/VI/1128-1134. These plots have not been consolidated into one plot to date.

DP No.226468 was not issued for LR No. MN/VI/4055 as purported by Awale Transporters.

Further, the purported sub-division of LR No. MN/VI/4055 is not in our records and its authenticity is questionable.

The plots which were supposed to be consolidated for "Rwanda Embassy" were resultant of the purported (forged) subdivision of MN/VI/4055. These plots do not therefore exist and are not available for consolidation.



Polly Gitimu (Mrs)

**SENIOR DEPUTY DIRECTOR OF SURVEYS**

c.c. N.O.O. - Director of Surveys  
c.c. Chief Land Registrar  
- Comps - 65443  
65444  
62477  
40668





REPUBLIC OF KENYA

## MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

Telegrams "Lands", Nairobi  
Telephone: Nairobi 02718050  
When replying please quote

DEPARTMENT OF LANDS  
1<sup>st</sup> NGONG AVENUE  
OFF NGONG ROAD  
P.O. Box 30089

NAIROBI

REF. NO: MSÁ/A/24 Vol. XIII/84

DATE: 4th December, 2014

The Chief Land Registration officer  
MOMBASA

RE: PLOT NO. MN/VI/4055 CR NO. 59131 MOMBASA

I acknowledge your letter reference CR. 59131 dated 1<sup>st</sup> December, 2014.

I have received a report from the Senior Deputy Director of Land Surveys a copy of which I hereby attach. I have noted the following.

LR NO. 1128 - 1132 existed since 1952 being subdivision plots from original LR. MN/VI/784.

Later, reallocation of the same was done on 10<sup>th</sup> January 2000, which was registered as CR: 59439, CR: 59437. Documents referred as authentic by Director of Surveys.

As per survey records, LR: MN/VI/4055 is completely different property with different owners and it has never been subdivided.

This therefore, raises serious authenticity queries on the title registered as CR: 59131 and its subsequent subtitles.

By a copy of this letter, kindly put a Government caveat on the subtitles.

Yours faithfully

SARAH MWENDA  
CHIEF LAND REGISTRAR



March, 1976

SCHEDULE—(Contd.)

Plot No.	Locality	Approx. Area to be Acquired in Acres
754	Miritini, Mainland North	3.64
755	"	1.09
756	"	2.31
759	"	2.10
761	"	1.70
764	"	4.68
748	"	7.90
749	"	245.05
758	"	40.00
754	"	306.66
781	"	47.06
781	"	274.00
778	"	60.00
781	"	Rem 214.00
1134	"	21.71
1133	"	29.50
<b>Section V</b>		
428	"	35.30
429	"	30.50
430	"	52.86
431	"	41.60
432	"	41.70
433	"	59.80
434	"	21.70
436	"	10.44
437	"	49.60
388	"	8.60
384	"	2.21
347	"	4.71
382	"	0.47
252	"	1.60
389	"	7.00
390	"	1.15
250 B	"	9.32

Every person who is interested in the land, as respects to delivery to me, not later than the day of inquiry, a written claim to compensation

Dated this 6th day of March, 1976

J. R. NJENGA  
Commissioner of Lands

GAZETTE NOTICE No. 739

THE REGISTERED LAND ACT  
(Cap. 300, section 35)

ISSUE OF A NEW CERTIFICATE

WHEREAS Peter Mbugua (ID/22461/NBI) of P.O. Box 6124, Nairobi in the Republic of Kenya, is registered as proprietor in freehold ownership interest of that town plot containing 0.080 hectare or thereabouts situated in the District of Kiambu, known as Parcel No. Kiambaa/Muchatha/T.321, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost. Notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 2nd day of March, 1976.

M. W. THAIRU,  
Land Registrar, Kiambu

GAZETTE NOTICE No. 740

THE REGISTERED LAND ACT  
(Cap. 300, section 35)

ISSUE OF A NEW CERTIFICATE

WHEREAS Nganga Ruiru (ID/26064/KBU) of Githiga Sub-location in Githunguri Division in the Republic of Kenya, is registered as proprietor in freehold ownership interest of that piece of land of approximately 0.244 hectare or thereabouts situated in the District of Kiambu, known as Parcel No. Githunguri/Githiga/385, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost. Notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 3rd day of March, 1976.

M. W. THAIRU,  
Land Registrar, Kiambu

GAZETTE NOTICE No. 741

THE REGISTERED LAND ACT  
(Cap. 300, section 35)

ISSUE OF A NEW CERTIFICATE

WHEREAS Paul Kariuki Njoroge (ID/9104/KBU) of P.O. Box 2, Uplands in the Republic of Kenya, is registered as proprietor in freehold ownership interest of that piece of land of approximately 1.92 hectares or thereabouts situated in the District of Kiambu, known as Parcel No. Lari/Escarpment/298, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost. Notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 2nd day of March, 1976.

J. G. WATHIGO,  
Land Registrar, Kiambu

GAZETTE NOTICE No. 742

THE REGISTERED LAND ACT  
(Cap. 300, section 35)

ISSUE OF A NEW CERTIFICATE

WHEREAS Ondieki Gesemba (ID/SK. 1248929) of Majoge-Bosoti in the Republic of Kenya, is registered as proprietor in absolute ownership interest of all that piece of land containing 5.6 hectares or thereabouts situated in the District of Kisii, known as Parcel No. Bosoti/1092 registered under Title No. Majoge/Bosoti/1092, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost. Notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 18th day of February, 1976.

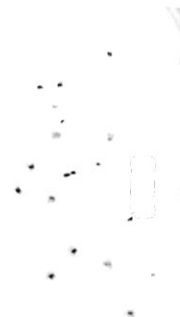
S. J. KANYORO,  
Land Registrar, Kisii

GAZETTE NOTICE No. 743

THE REGISTERED LAND ACT  
(Cap. 300, section 35)

ISSUE OF A NEW CERTIFICATE

WHEREAS Jackson Mukuyuni of P.O. Box 1289, Kitale in the Republic of Kenya, is registered as proprietor in absolute ownership interest of all that piece of land containing 2.02 hectares or thereabouts situated in the District of Bungoma, known as Parcel No. 38, registered under Title No. Bokoli/Misikhu/38,



GAZETTE NOTICE NO. 737

THE LAND ACQUISITION ACT, 1968  
(No. 47 of 1968)

NOTICE OF INTENTION TO ACQUIRE LAND

IN PURSUANCE of section 6 (2) of the Land Acquisition Act, 1968, I hereby give notice that the Government intends to acquire the following land for industrial area, medium and low cost housing and site and service scheme:—

SCHEDULE

Plot No.	Locality	Approx. Area to be Acquired in Acres
<i>Section VI</i>	Miritini, Mainland North	
700	"	1.54
701	"	3.29
699	"	3.37
702	"	6.00
862	"	0.44
703	"	5.81
2485	"	4.74
957	"	3.89
859	"	11.19
707	"	1.97
737	"	45.88
906	"	50.5
745/R	"	—
900	"	—
774	"	12.42
976	"	9.12
753	"	48.00
723	"	12.33
787	"	6.73
793	"	1.89
867	"	—
753	"	3.70
760	"	0.78
763	"	6.14
762	"	3.95
770	"	11.55
751	"	24.8
752	"	2.64
869	"	3.51
757	"	2.30
756	"	2.96
936	"	4.40
944	"	0.27
710	"	1.64
945	"	2.21
943	"	2.93
773	"	1.64
949	"	1.13
941	"	1.23
939	"	2.13
709	"	2.19
938	"	1.42
711	"	1.64
712	"	1.09
942	"	1.89
713	"	1.67
989	"	73.66
765	"	0.52
764	"	3.63
766	"	1.09
759	"	2.81
761	"	2.10
864	"	1.70
748	"	4.68
749	"	7.90
758	"	245.00
754	"	40.00
883	"	306.66
781	"	47.06
876	"	—
778	"	274.00
783 f	"	Less 60.00
	Rem.	214.00
1134	"	—
1133	"	21.24
		29.00
<i>Section V</i>		
428	"	35.30
429	"	50.50
430	"	52.50
431	"	41.00
432	"	41.70
433	"	59.50
434	"	21.70
435	"	19.44
437	"	49.60
358	"	8.69

SCHEDULE—(Contd.)

Plot No.	Locality	Approx. Area to be Acquired in Acres
<i>Section V</i>	Miritini, Mainland North	
384	"	2.21
347	"	4.21
332	"	0.43
252	"	1.60
389	"	7.00
390	"	1.15
250/R	"	9.72

Plan of the affected land may be inspected during office hours at the office of the Commissioner of Lands, Nairobi, Mombasa.

Dated this 6th day of March, 1976.

J. R. NJENGA  
Commissioner of Lands

GAZETTE NOTICE NO. 738

THE LAND ACQUISITION ACT, 1968  
(No. 47 of 1968)

NOTICE OF INQUIRY

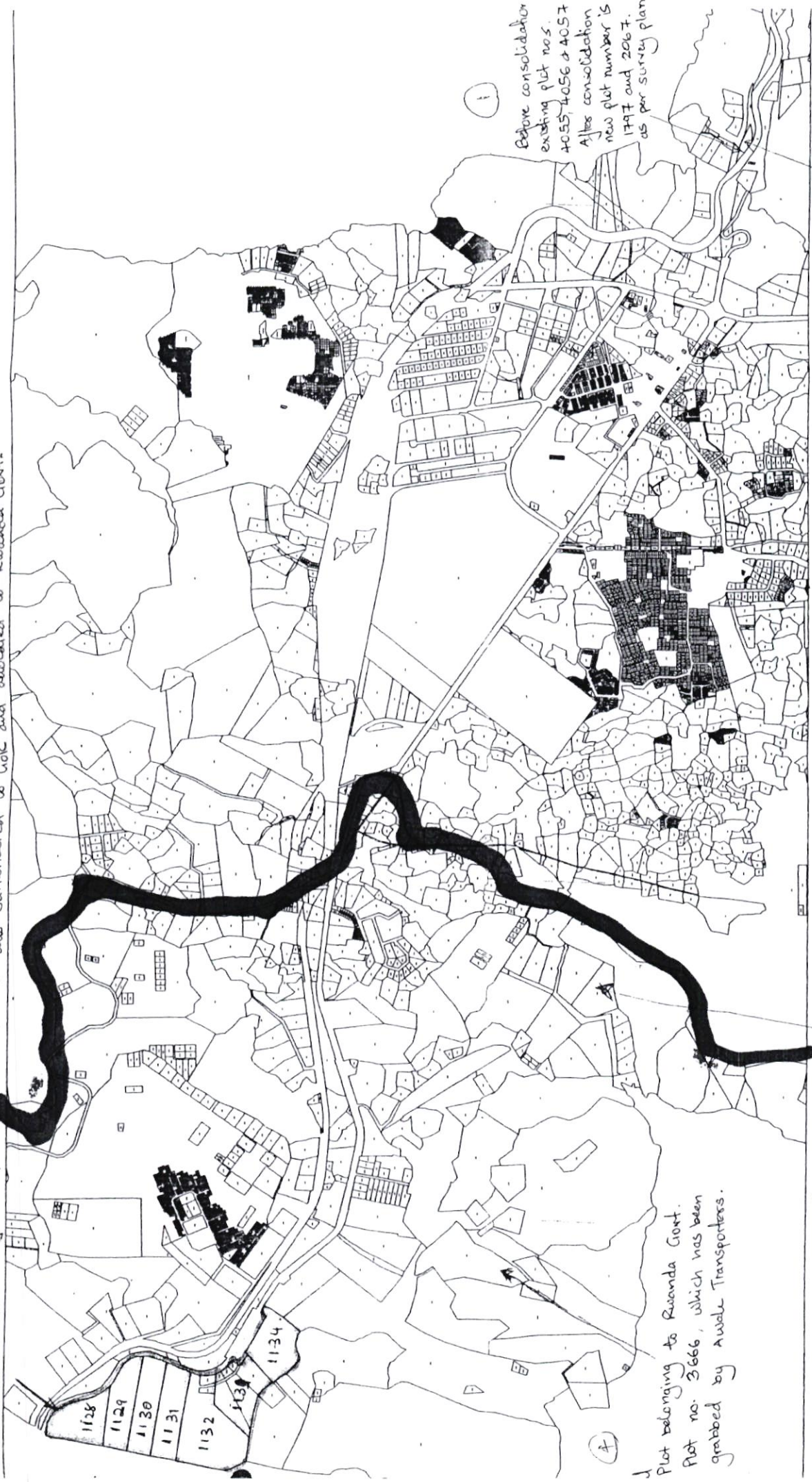
IN PURSUANCE of section 9 (1) (a) of the Land Acquisition Act, 1968, I hereby give notice that an Inquiry will be held at Lands Office, Treasury Square, Mombasa, on Tuesday, the 20th April, 1976, at 10 a.m., for the hearing of the claims to compensation by persons interested in the following land:

SCHEDULE

Plot No.	Locality	Approx. Area to be Acquired in Acres
<i>Section VI</i>	Miritini, Mainland North	
700	"	1.54
701	"	3.29
699	"	3.37
702	"	6.00
862	"	0.44
703	"	5.81
2485	"	4.74
957	"	3.89
859	"	11.19
707	"	1.97
737	"	45.88
906	"	50.5
745/R	"	—
900	"	—
774	"	12.42
976	"	9.12
753	"	48.00
723	"	12.33
787	"	6.73
793	"	1.89
867	"	—
753	"	3.70
760	"	0.78
763	"	6.14
762	"	3.95
770	"	11.55
751	"	24.8
752	"	2.64
869	"	3.51
757	"	2.30
756	"	2.96
936	"	4.40
944	"	0.27
710	"	1.64
945	"	2.21
943	"	2.93
773	"	1.64
940	"	1.13
941	"	1.23
939	"	2.13
709	"	2.19
938	"	1.42
711	"	1.64
712	"	1.09
942	"	1.89
713	"	1.67
989	"	74.66
765	"	0.52
764	"	3.64



All plot nos. 1128, 1129, 1130, 1131, 1132, 1133 & 1134 being claimed by Awale Transporters as plot no. 4055, which does not exist anymore and further this was sub-divided into 31 smaller plots numbering 8012 to 8042, which further plot no. 8017 and 8022 was surrendered to Govt and allocated to Rwanda Govt.



Before consolidation existing plot nos. 4055, 4056 & 4057  
 After consolidation new plot number is 1797 and 2067 as per survey plan

Position of Actual plot no. 4055 allocated to Copal constructions. This plot number 4055, which does not exist now, was used to obtain Title for Awale Transport claiming 7 plots no. 1128, 1129, 1130,

Plot belonging to Rwanda Govt. Plot no. 3666, which has been grabbed by Awale Transporters.

Actual plot no. 3914 & 3915. Alternative plots were being offered to Rwanda Govt. by Govt of Kenya as per Ministry of Lands and

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SALE No. 243970

CH. 027879  
at. 027880  
**ORIGINAL**

DEPARTMENT OF LANDS

2986312

FEE RECEIPT

Station Nb1 18/9/20 12

	NATURE OF FEE	Sh.	cts.
Received from <u>David</u>	Certificate of Title ..		
<u>Grange</u>	Registration ..	500	
<u>Box 99948</u>	Search Certificate ..		
<u>Nb1</u>	Opening New Register ..		
	Attestation ..		
	Inspection ..		
	Copying ..		
	Conveying/Preparation..	1250	
Cash			
by the sum of	Survey Fees ..		
Cheque			
Shillings <u>One Million</u>	Rent ..		
<u>Five hundred</u>			
<u>&amp; sixty nine</u>	Stand Premium ..	25,810	
<u>thousand nine</u>			
<u>hundred &amp;</u>	Stamp Duty	1,259,200	
<u>forty one</u>			
cents	Land Adjudication Fees	55,400	
As per marginal statement nature of transaction	Deposits		
<u>C/A</u>	Approval Fee	2000	
File Number <u>LN10 MN/VI/1132</u>			
<u>A</u>			
COMMISSIONER OF LANDS	TOTAL KSh.	1,569,940	



CH. 027877

ALE No. 244092

ORIGINAL

DEPARTMENT OF LANDS

2986311

FEE RECEIPT

Station Nbi

18/9/20 12

		NATURE OF FEE	Sh.	cts.
Received from <u>Joseph</u> <u>Mawwa</u> <u>Bir 96345</u> <u>Mbs</u>	Certificate of Title .. ..			
	Registration .. ..		500	
	Search Certificate .. ..			
	Opening New Register .. ..			
	Attestation .. ..			
	Inspection .. ..			
	Copying .. ..			
	Conveying/Preparation ..		1250	
By <u>Cash</u> the sum of	Survey Fees .. ..			
<u>Cheque</u>				
Shillings <u>Eight</u>	Rent .. ..		137,350	
<u>hundred &amp;</u>	Stand Premium .. ..		688,000	
<u>fifty nine</u>	Stamp Duty		20,300	
<u>thousand</u>	Land Adjudication Fees			
<u>four hundred</u>	Deposits			
<u>only</u>	Approval Fees		2000	
cents				
As per marginal statement nature of transaction				
<u>L/A</u>				
Title Number <u>CH NO MN/VII/1131</u>				
<u>[Signature]</u>				
for: COMMISSIONER OF LANDS	TOTAL KSh.		859,400	



244093 CHQ 027878

SALE No. \_\_\_\_\_

ORIGINAL

DEPARTMENT OF LANDS

2986291

FEE RECEIPT

Station MBI

18.9.2012

		NATURE OF FEE	Sh.	cts.
Received from <u>Andrew K</u> <u>Kumanga</u> of <u>P.O. Box 15</u> <u>Kumanga</u>	Certificate of Title ..	Registration .. ..	2500=	
		Search Certificate .. ..		
		Opening New Register .. ..		
		Attestation .. ..		
		Inspection .. ..		
	Copying .. ..			
	Conveying/Preparation ..		12500=	
Cash	By _____ the sum of	Survey Fees .. ..		
	Cheque			
Shillings <u>Eight hundred</u> <u>and Fifty Nine</u> <u>Thousand Four</u> <u>Hundred only</u>		Rent .. ..	137600=	
		Stand Premium ..	688000=	
		Stamp Duty	30300=	
		Land Adjudication Fees		
		Deposits		
		Allocation Fees	2000=	
Title Number <u>L.R.N.O. MW/KI/1130</u>				
<u>[Signature]</u> for: COMMISSIONER OF LANDS		TOTAL KSh.	<u>859400=</u>	



244090

cit. 021010

SALE No. \_\_\_\_\_

ORIGINAL

DEPARTMENT OF LANDS

2986314

FEE RECEIPT

Station Nbi

18/9/2012

		NATURE OF FEE	Sh.	cts.
Received from <u>Samuel</u> <u>Chavo</u> of <u>Razungu</u> <u>Box 2775</u> <u>Mbc</u>	Certificate of Title ..			
	Registration .. ..		500	
	Search Certificate ..			
	Opening New Register ..			
	Attestation .. ..			
	Inspection .. ..			
	Copying .. ..			
	Conveying/Preparation..		1250	
Cash By _____ the sum of Cheque	Survey Fees .. ..			
Billings <u>Eight hundred</u> <u>and nine</u> <u>thousand</u> <u>four hundred</u> <u>only</u>	Rent .. ..		137,650	
	Stand Premium ..		688,000	
	Stamp Duty		30,000	
	Land Adjudication Fees			
	Deposits			
	Approval fees		2000	
Title Number <u>LR no MN/VI/1128</u>				
<u>A</u> : COMMISSIONER OF LANDS			859,400	
	TOTAL KSh.			



# City of Mombasa



City Hall  
Treasury Square  
P. O. Box 90440 - 80100  
MOMBASA

Telephone Mombasa  
041 2311531  
Fax: 041 2316499  
Email: townclerk@mombasacity.go.ke

Office of the Town Clerk

When replying please quote

Our Ref No: G 135

27<sup>th</sup> August 2012

Mr Samuel Charo Kazungu  
Mr James Ngoro  
Mr Andrew K Kirongo  
Mr Joseph Marwa  
Mr David Gatoke  
MOMBASA

Dear Sirs

**LETTER OF ALLOTMENT REF: 76474/VI OF 10<sup>th</sup> JANUARY 2000**  
**RE: MN/VI/1128/1129/1130/1131/1132**

We confirm receipt of your letter dated 31<sup>st</sup> July 2012 and confirm that the details mentioned in the above letters of allotments are as per our records at the Council

This is to confirm that the Mombasa Municipal Council has no adverse comments for the said allocation and has no current Urban Development Plan.

Yours faithfully

Tubmun Otieno  
**TOWN CLERK**



30

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050/9

David Gatoke  
P.O. Box 99948  
MOMBASA

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

10th January, 2000

Ref. No. 76474/VI

SIR(S)/MADAM,

RE: L.R. NO. MN/VI/1132

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 15.74 hectares (approximately).  
TERM: 99 years from the 1.1.2000

STAND PREMIUM: Sh. 1,259,200/-  
ANNUAL RENT: Sh. 251,840/-  
} Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	1,259,200.00
Rent from 1.1.2000 to 31.12.2000 .. .. .	251,840.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates .. on demand .. .. .	-
Stamp Duty .. .. .	55,400.00
Survey Fees .. on demand .. .. .	-
Road and Road Drains on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00

Receipt No. Less Deposit

*Caribed*  
*[Signature]*

TOTAL Sh. 1,569,940.00

ORADIAN ...  
LICENS.  
P.O. ... FOR

[P.T.O.]

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If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.


If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.

*for Commissioner of Lands*

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

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REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050/9

Joseph Marwa  
P.O. Box 96345  
MOMBASA

Ref. No. 76474/VI

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

10th January, 2000

SIR(S)/MADAM,

RE: L.R. NO. MN/VI/1131

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 8.0 hectares (approximately).

TERM: 99 years from the 1.1.2000

STAND PREMIUM: Sh. 688,000/-

ANNUAL RENT: Sh. 137,000/-

} Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	688,000.00
Rent from 1.1.2000 to 31.12.2000 .. .. .	137,600.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates on demand .. .. .	-
Stamp Duty .. .. .	30,300.00
Survey Fees on demand .. .. .	-
Road and Road Drains on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00

Receipt No. \_\_\_\_\_ Less Deposit \_\_\_\_\_

TOTAL Sh. 859,400.00

*Carried by*

OBADIAH M. WAINAINA  
LICENSING OFFICER  
P.O. BOX 30089



If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.

for Commissioner of Lands

ENCL.

to: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.



REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi  
 Telephone: Nairobi 7180509  
 Andrew K. Kirongo  
 P.O. Box 99948  
 MOMBASA  
 Ref. No. 76474/VI

REGISTERED

DEPARTMENT OF LANDS  
 P.O. Box 30089  
 NAIROBI

10th January, 2000

SIR(S)/MADAM, RE: L.R. NO. MN/VI/1130

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. \_\_\_\_\_ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 8.0 hectares (approximately).  
 TERM: 99 years from the 1.1.2000  
 STAND PREMIUM: Sh. 688,000/- Subject to adjustment on survey, but there is no claim for reduction in area on survey.  
 ANNUAL RENT: Sh. 137,000/-


GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Departmental Lands Act (Cap. 269 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 282) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	688,000.00
Rent from 1.1.2000 to 31.12.2000 .. .. .	137,600.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates on demand .. .. .	-
Stamp Duty .. .. .	30,300.00
Survey Fees on demand .. .. .	-
Road and Road Drains on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00

Receipt No. \_\_\_\_\_ Less Deposit \_\_\_\_\_  
 TOTAL Sh. 859,400.00

*Carried by*  
  
 OBADIAH M. MUTINDA  
 LICENSING OFFICER  
 P.O. Box 30089  
 NAIROBI

[P.T.O.]

\*Delete as appropriate.



If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.  
for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

GPK (L)



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REPUBLIC OF KENYA

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

10th January, 20 00

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050/9

James Ndoro  
P.O. Box 20  
SAMBURU

Ref. No. 76474/VI

SIR(S)/MADAM,

RE: L.R. NO. MN/VI/1129

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. \_\_\_\_\_ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 8.09 hectares (approximately).  
TERM: 99 years from the 1.1.2000  
STAND PREMIUM: Sh. 688,000/-  
ANNUAL RENT: Sh. 137,000/-  
} Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).  
SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	688,000.00
Rent from 1.1.2000 .. .. . to 31.12.2000	137,600.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates on demand .. .. .	-
Stamp Duty .. .. .	30,300.00
Survey Fees .. on demand .. .. .	-
Road and Road Drains on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00

Receipt No. \_\_\_\_\_ Less Deposit \_\_\_\_\_  
TOTAL Sh. 859,400.00

*James Ndoro*  
OBADIAH M. WAINAINA  
LICENSED LAND SURVEYOR  
P.O. Box 60724-Nairobi

\*Delete as appropriate.

[P.T.O.]

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If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.

for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.



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REPUBLIC OF KENYA

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

10th January, 2000

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050/9  
Samuel Charo Kazungu  
P.O. Box 2775  
MOMBASA

Ref. No. 76474/VI

SIR(S)/MADAM,

RE: L.R. NO. MN/VI/1128

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 8.09 hectares (approximately).

TERM: 99 years from the

STAND PREMIUM: Sh. 688,000/-

ANNUAL RENT: Sh. 137,000/-

Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	688,000.00
Rent from 1.1.2000 to 31.12.2000 .. .. .	137,600.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates .. on demand .. .. .	-
Stamp Duty .. .. .	30,000.00
Survey Fees .. on demand .. .. .	-
Road and Road Drains on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00

Receipt No. Less Deposit

TOTAL Sh. 859,400.00

Obadiah M. Mbatia

OBADIAH M. MBATIA  
REGISTRAR GENERAL

\*Delete as appropriate



If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.

for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.



25th January, 1974

NOTICE OF INTENTION TO ACQUIRE LAND

GOVERNMENT NOTICE No. 246

THE LAND ACQUISITION ACT, 1967  
(No. 47 of 1968)

NOTICE OF INTENTION TO ACQUIRE LAND

IN PURSUANCE of section 5 (2) of the Land Acquisition Act, 1967, I hereby give notice that the Government intends to acquire the following land for future urban development:—

SCHEDULE

I.R. No.	Location	Approx. Area to be Acquired in Acres
1773	Nairobi Area	172
2822/1	"	20
10987	"	48.3
		less 2.9 Acres Road Reserve

Plans of the proposed land may be inspected during office hours at the office of the Commissioner of Lands, Nairobi, and at an office of the Registrar of Titles, Lands Office, Treasury Square, Mombasa.

Dated this 25th day of January, 1974

J. A. O'LOUGHLIN,  
Commissioner of Lands

GOVERNMENT NOTICE No. 247

THE LAND ACQUISITION ACT, 1967  
(No. 47 of 1968)

NOTICE OF INTENTION

IN PURSUANCE of section 9 (1) of the Land Acquisition Act, 1967, I hereby give notice that an Inquiry will be held at 10 a.m. on Tuesday, 2nd April, 1974, in the Board Room, 10, Parliament Street, Nairobi, for the hearing of claims to compensation by persons interested in the following land:

SCHEDULE

I.R. No.	Location	Approx. Area to be Acquired in Acres
1773	Nairobi Area	172
2822/1	"	20
10987	"	48.3
		less 2.9 Acres Road Reserve

Every person who is interested in the land, is required to deliver to me, not later than the day of Inquiry, a written claim to compensation.

Dated this 24th day of January, 1974

J. A. O'LOUGHLIN,  
Commissioner of Lands

GOVERNMENT NOTICE No. 249

CENTRAL BANK OF KENYA  
BANKI KUU YA KENYA

STATEMENT AS AT 31ST DECEMBER, 1973

CURRENT ASSETS		FOREIGN EXCHANGE	
K. Sh.	K. Sh.	K. Sh.	K. Sh.
Cash	1,065,977,795	Balances with Banks and Cash	810,332,173
	53,491,574	Treasury Bills	57,865,837
	1,119,469,354	Other Investments	466,373,915
		Special Drawing Rights	142,305,157
			1,476,877,082
DEPOSITS		SECURITIES ISSUED OR GUARANTEED BY THE KENYA GOVERNMENT	116,149,661
Government of Kenya	230,459,493	DIRECT ADVANCES TO KENYA GOVERNMENT	200,000,000
Banks	221,106,146	KENYA TREASURY BILLS	59,866,515
Others	11,190,701	ADVANCES AND DISCOUNTS	—
	54,655,726	OTHER ASSETS	189,033,633
	617,412,066		
ALLOCATION OF S.D.R.s.	123,856,572		
OTHER LIABILITIES AND PROVISIONS	52,164,764		
TOTAL LIABILITIES AND PROVISIONS	1,918,836,850		
CAPITAL	26,000,000		
GENERAL RESERVE FUND	26,000,000		
REVALUATION ACCOUNT (Set up under section 51 of the Act)	71,930,035		
	123,930,035		
	K. Sh. 2,041,926,891		

Nairobi,  
22nd January, 1974

D. N. NDEGWA,  
Governor

GOVERNMENT NOTICE No. 248

THE LAND ACQUISITION ACT, 1967  
(No. 47 of 1968)

NOTICE OF INTENTION TO ACQUIRE LAND

IN PURSUANCE of section 5 (2) of the Land Acquisition Act, 1967, I hereby give notice that the Government intends to acquire the following land for future urban development:—

SCHEDULE

I.R. No.	Location	Approx. Area to be Acquired in Acres
1138	Maitland North Section VI	20.2
1139	"	20.1
1140	"	20.1
1131	"	20.1
1132	"	38.9

Plans of the proposed land may be inspected during office hours at the office of the Commissioner of Lands, Nairobi, and at an office of the Registrar of Titles, Lands Office, Treasury Square, Mombasa.

Dated this 25th day of January, 1974

J. A. O'LOUGHLIN,  
Commissioner of Lands

GOVERNMENT NOTICE No. 249

THE LAND ACQUISITION ACT, 1967  
(No. 47 of 1968)

NOTICE OF INTENTION

IN PURSUANCE of section 9 (1) of the Land Acquisition Act, 1967, I hereby give notice that an Inquiry will be held at 10 a.m. on Tuesday, 2nd April, 1974, in the Board Room, Treasury Square, Mombasa, for the hearing of claims to compensation by persons interested in the following land:—

SCHEDULE

I.R. No.	Location	Approx. Area to be Acquired in Acres
1138	Maitland North Section VI	20.2
1139	"	20.1
1140	"	20.1
1131	"	20.1
1132	"	38.9

Every person who is interested in the land, is required to deliver to me, not later than the day of Inquiry, a written claim to compensation.

Dated this 18th day of January, 1974

J. A. O'LOUGHLIN,  
Commissioner of Lands





ANNEX 5



## **NATIONAL LAND COMMISSION**

### **REPORT TO THE DEPARTMENTAL COMMITTEE ON LANDS – NATIONAL ASSEMBLY**

#### **SUBJECT**

1. Parcel Numbers MN/VI/1128-1132 – Miritini
2. Parcel Numbers MN/VI/4055
3. Parcel Numbers MN/VI/3666
4. Parcel Numbers MN/VI/5132

Prepared by the National Land Commission for Departmental  
Committee on Lands – National Assembly.

Information compiled and analysed by:

**MR. ABDULKADIR A. KHALIF, LS(k) MISK**

**COMMISSIONER, NATIONAL LAND COMMISSION**





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Ⓟ





(C)

## NATIONAL LAND COMMISSION

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

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

**NAIROBI**

REF: NLC/1/7/13

16<sup>th</sup> May, 2016

The Clerk of National Assembly,  
Parliament Buildings  
P.O. Box 41842  
**NAIROBI.**

Dear Sir,

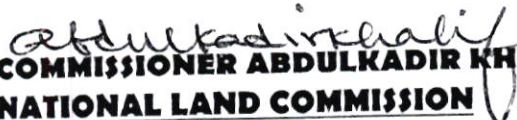
**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS**

Thank you for your letter of invitation for a meeting with the Departmental Committee on Lands. The said letter is Ref. KNA/DCL/CORR/2016(41) of 12<sup>th</sup> May, 2016.

This letter covers a (22) pages of report summary and 298 pages of annexures of documents and correspondences between various Government Ministries and Institutions. There are also correspondences between Kenya and some foreign countries who have interests in some of the parcels mentioned above.

All the above mentioned documents and correspondences were extracted from existing Ministry of Land, Housing and Urban Development files and those of the National Land Commission.

While I will be available to answer all questions, I wish to submit this document to your offices ahead of the meeting. Kindly accept them.

  
**COMMISSIONER ABDULKADIR KHALIF**  
**NATIONAL LAND COMMISSION**

11

12

13

14

REPUBLIC OF KENYA



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'Bunge', Nairobi  
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E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote



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

NATIONAL ASSEMBLY

KNA/DCL/CORR/2016(41)

12<sup>th</sup> May, 2016

Mr. Abdulkadir Kharif,  
Commissioner,  
National Land Commission,  
Ardhi House,  
**NAIROBI**

Dear Sir,

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS**

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

You will recall the Committee sitting held on 28<sup>th</sup> April 2016, in which you were in attendance. during which it was resolved that you re-appear before the Committee to provide the following information on plot Nos. LR.MN/VI/1128, LR.MN/VI/1129, LR.MN/VI/1130, LR.MN/VI/1131 and LR. MN/VI/1132:-

1. History of the said land;
2. The certified original title deed;
3. The disputed certified copy of the title deed owned by Awale Transporters Ltd;
4. The status report on the five parcels of land;
5. Details of all transfers done including the specific dates;
6. Documents of the ongoing court cases.

This is therefore, to invite you to attend the said meeting to be held on **Tuesday 24<sup>th</sup> May, 2016** in the Boardroom on 4<sup>th</sup> Floor, Protection House,Parliament buildings at 10.00 am.

Yours faithfully,

Florence Atenyo-Abonyo  
Director, Committee Services  
For: CLERK OF THE NATIONAL ASSEMBLY





## INTERNAL MEMO

**FROM** : Commissioner Abdulkadir Khalif  
**TO** : Chairman, NLC  
**REF** : **NLC/M\$A/1**  
**DATE** : 16<sup>th</sup> May, 2016

**RE: MATTERS TO DO WITH LR. NOS. MN/VI/1128 – 1132, AND 4055, MIRITINI - MOMBASA**

I refer to your letter Ref. NLC/CHAIRMAN/ VOL.XI/166 of 30<sup>th</sup> June, 2015, concerning the above matter.

In that letter, you sent a bundle of documents on the above matter for my information and analysis.

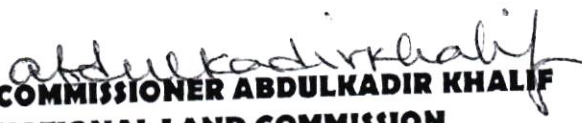
On 4<sup>th</sup> April, 2016 the Commission, during its meeting to determine reviews of grants and dispositions instructed me to submit an analysis of the issues surrounding the dispute of ownership of MN/VI/1128 – 1132 and circumstances leading to other disputes over MN/VI/3666, and the relationships between the parcels.

In carrying out that analysis, I relied on documents in property files as well as correspondences between various Government Agencies during the period 1952 to 2016. I strived to relate the said documents, cross referenced between them, and attached as many annexures as possible to make the report easy to read and comprehend. Letters and reports have been filed chronologically.

I hereby submit the report to the Commission and hope that it satisfies the needs of the Commission, and one that could be used as a document to address the requirements of the Departmental Committee on Lands, which is investigating this matter.

Please accept one (1) bound copy of the report. More copies can be availed on request.

Thanking you in advance.

  
**COMMISSIONER ABDULKADIR KHALIF**  
**NATIONAL LAND COMMISSION**





## NATIONAL LAND COMMISSION

### REPORT TO THE DEPARTMENTAL COMMITTEE ON LANDS ALLOCATION OF LAND IN MIRITINI - MOMBASA COUNTY PARCELS MN/VI/1128 - 1132; MN/VI/4055; MN/VI/3666

This report concerns the allocation of parcels MN/VI/4055, MN/VI/3666, MN/VI/1128, MN/VI/1129, MN/VI/1130, MN/VI/1131, and MN/VI/1132, all in Miritini, Mombasa County. The report shall also cover all disputes around the above parcels, multiple allocations concerning them, the relationships between the parcels and all amalgamations, subdivisions and sales touching on all on them. These parcels share a lot in common because the claimants are in litigation against government, each other and even involve foreign powers. Their history is therefore connected and solutions for one will affect all the others.

#### INTRODUCTION.

These were parcels subplots of MN/VI/784 created in 1952. Their Deed Plans were 51705 - 51709 and grants were in favor of Messers. Badrudin Jeevanjee, Thaherali Jeevanjee, Mansurali Jeevanjee, Asgarali Jeevanjee, Fakhrudin Jeevanjee, Ibrahim Jeevanjee and Batulbai wife of Bardurdin Mulla Adamji, and were registered on 1<sup>st</sup> June, 1957. The plots were later transferred to Mehta Sons (Africa) Ltd. on 16<sup>th</sup> October, 1961.

Here below is the chronology of events that led to the current multiple allocations of these parcels to different individuals, entities and institutions. The documents mentioned or filed in this report are from government departments, the National Land Commission, persons in the dispute and even foreign countries with interests in the land.

I cannot ascertain the authenticity of these documents and referring to them in no way means confirming them as genuine, dependable and authoritative documents. But since they appear in government files and in many cases responsible government officers have either minuted on them or referred to them in other correspondences, they can be assumed to have been properly filed.

## CHRONOLOGY OF EVENTS.

1. On 20<sup>th</sup> November, 1973, vide letter Ref.2859/221, the Commissioner of Lands requested the Permanent Secretary, Ministry of Lands and Settlement for authority to compulsorily acquire the parcels. Page 1
2. Notice of intention to acquire the parcels and notice of inquiry were published vide Gazette Notice No.248 & 249 of 25<sup>th</sup> January, 1974. The parcels were later paid for through A.B. Patel & Patel Advocates and thereafter became public property. Pages 2A - 2C

*\* Note: steps 1 and 2 are in line with the provisions of Land Acquisition Act, 1968. All numbers MN/VI/1128-1132 ceased to exist and were expunged from records. The land thereafter became undivided government land.*

3. Application for an industrial plot by Awale to Commissioner of Lands dated 15<sup>th</sup> April, 1986. He explains that he has developed a site in Miritini and wishes to apply for formalization of allocation. A letter of allotment Ref: 49251/10 of 11<sup>th</sup> May, 1999 was issued. Pages 3A - 3D

*\*Note: This process alludes to the existence of development on Government Land for which a ratification is sought.*

4. Commissioner of Lands Letters of Allotment Nos.123790/4 & 9, both dated 28<sup>th</sup> April, 1989 in favor of Hon. Ayub Arap Chepkwony, were issued. Two (2) subplots were created out of MN/VI/1132, namely MN/VI/3667 (Deed Plan No.140501), and MN/VI/3668 (Deed Plan 140502). Pages 27

*\* Note: This allocation is invalid because MN/VI/1132 ceased to exist and any allocation should come out of a re-planned government land after acquisition. No further action on this allocation, nor any evidence of any payments or Grant preparations were found after this initial step. The existence of the above mentioned letter of allotment was only referred to in reports we shall find further down in this report.*

5. Letter of Allotment Ref: 84015/II? Of 12<sup>th</sup> July, 1995 for 66.4 Ha of Industrial plot no. "A" in Miritini, in favor of Awale Transporters Ltd. Pages 4A -4D

*\*Note: Although not stated, this looks like the illegal amalgamation of MN/VI/1128-1132, which was numbered later as MN/VI/4055. This was an illegal amalgamation and allocation of publicly procured property.*

6. On 22<sup>nd</sup> February, 1996 following Commissioner of Lands' letter of Allotment Ref.90750/VI/91 for MN/VI/1131, in favor of M/S. Jet Link Ltd. for (4) subplots, MN/VI/3813 (Deed Plan No.203250), MN/VI/3814(Deed Plan No. 203251), MN/VI/3815 (Deed Plan No. 203252), and MN/VI/3816 (Deed Plan No.203253) were prepared and issued. Pages 27

*\* Note: A letter of allotment for MN/VI/1131 is null and void because that parcel does not exist after compulsory acquisition. Its subdivision is therefore a nullity.*

7. Letter of Allotment Ref: 90750/XIV of 10<sup>th</sup> November, 1997 for Uns. Light Industrial Plot no. "A" in favor of Gopal Construction Co., of P. O. Box 82908 Mombasa. PDP no. 12.3.CT.331.96 refers to this plot. Plot area is 1.00 Ha. File number is 195109. This parcel could be the real MN/VI/4055. Pages 6A - 6D

*\*Note: This entry is an attempt to clarify where MN/VI/4055 is actually located.*

8. A copy of a Grant number CR. 30827 for MN/VI/3666 in favor of Awale Transporters Ltd. registered on 24<sup>th</sup> November, 1997. Pages 7A - 7D

*\*Note: following his application and letter of allotment at 3 above, a grant was prepared for MN/VI/3666 in favor of Awale.*

9. A copy of a Grant number CR. 30827 for MN/VI/3666 in favor of Republic of Rwanda registered on 25<sup>th</sup> November, 1997. Pages 8A & 8B

*\* Note: This happened one day after a Grant of the same plot in favor of Awale was registered in Mombasa.*

10. Commissioner of Lands letter Ref: 116488/II/50 of 28<sup>th</sup> November, 1997 addressed to the Registrar of Titles, Mombasa, forwarding Grant document for MN/VI/3666 in favor of Awale. Page 9

*\*Note: Here the Commissioner of Lands orders the Registrar in Mombasa to register MN/VI/3666 in favor of Awale Transporters Ltd. How the Registrar could have given two conflicting instructions is a Mistry.*

11. Letter of Allotment Ref. 76474/VI of 10<sup>th</sup> January, 2000 for MN/VI/1132 in favor of David Gatoke was issued. Pages 10A & 10B

*\* Note: Parcel MN/VI/1132 is not available for allocation to an individual. It was illegally allocated to another individual in 4 above. Both allocations are null and void.*

12. Letter of Allotment Ref.76474/VI of 10<sup>th</sup> January, 2000 in favor of Samuel Charo Kazungu for MN/VI/1128 was issued. Pages 11A & B

*\* Note: Parcel MN/VI/1128 is not available for allocation to an individual. It was illegally allocated to another individual in 4 above. Both allocations are null and void.*

13. Letter of Allotment Ref.76474/VI of 10<sup>th</sup> January, 2000 in favor of Joseph Marwa for parcel MN/VI/1131. Pages 12 A & 12B

*\* Note: \* Note: Parcel MN/VI/1131 is not available for allocation to an individual. It was illegally allocated to another individual in 6 above. Both allocations are null and void.*

14. Letter of Allotment in favor of Andrew Kirongo – Ref.76474/VI of 10<sup>th</sup> January, 2000 for MN/VI/1130. Pages 13A & 13B

*\* Note: Parcel MN/VI/1130 was not available for allocation to an individual. Government acquires land for public purpose and not for private use.*

15. Letter of Allotment Ref: 76474/VI of 10<sup>th</sup> January, 2000 for MN/VI/1129 in favor James Ndoro was written. Pages 14F

*Note: This parcel is not available for allocation.*

16. A letter of Allotment Ref: 62860/19 in favor of Faith Lina Wathome, Paul Maina and James Ngari for MN/VI/1129 wef 1<sup>st</sup> February, 2000 was issued on 14<sup>th</sup> February, 2000. Pages 14A - 14E

*\* Note: In 15 above, this parcel was "allocated" to James Ndoro and registered on 1<sup>st</sup> January, 2000. Then can another one be done in favor of Faith Lina Wathome be done at almost the same time? Both are illegal anyway.*

17. Letter of Allotment Ref: 62860/19 of 14<sup>th</sup> February, 2000 for MN/VI/1130 in favor of Ruora Investments Ltd. Pages 15A - 15E

*\* Note: In 14 above, this same parcel was "allocated" to another individual. Both are illegal.*

18. A letter of Allotment Ref: 62864/22 of 14<sup>th</sup> February, 2000 was issued to Abdalla Jumaa Ngozi & Badhili Elijah Yaah for MN/VI/1132. Pages 16A

*\* Note: In 4 and 11 above, this same parcel was "allocated" to another individual. Both are illegal.*

19. On 20<sup>th</sup> March, 2008, vide letter of allotment Ref.62864/15, MN/VI/1132 was allocated to the government of Uganda for dry dock purposes. Pages 17A & 17B

*\* Note: In 4, 11, and 18 above, MN/VI/1132 was "allocated" three times. This therefore is the 4<sup>th</sup> "allocation" of this parcel. But this one being to a public body is more likely to be allowed, although it has to be registered with a different number. Remember a survey number expunged from records cannot resurface again.*

20. A letter from Uganda High Commission, Ref.CX/55(B) of 31<sup>st</sup> July, 2008 confirms allocation of a parcel of land on Yusuf Lule Road, Kampala, to the Government of Kenya as a reciprocal gesture for the allocation of MN/VI/1132. Page 18

*\* Note: Although the Government of Uganda allocated and registered a prime plot to government of Kenya, we are yet to reciprocate the gesture. MN/VI/1132 was in exchange of a parcel on Yusuf Lule Road in Kampala. We seem to have complicated the deal even by "allocating" the same parcel to multiple entities (see 3, 4, 9 & 15 above).*

21. A letter Ref: 70009/XV/141 dated 30<sup>th</sup> January, 2009 to PS/SC & H.P.S. Amb. Muthaura addressed from Ministry of Lands concerning the allocation of MN/VI/1132 to the Government of Uganda. Page 19A

*\* Note: this is a manifestation of high level government interest and involvement in making this allocation happen successfully.*

22. Letter from Hon. James Orengo Ref: MIN/MOL/GEN VOL.I of 9<sup>th</sup> March, 2009 addressed to Provincial Commissioner, Coast Province advising him to stop any adverse action to demolish Awale's property while the Ministry determines the true status of MN/VI/3666. Pages 20A & 20B

*\* Note: This was after a threat from government to demolish Awale's complex.*

23. Parcel number MN/VI/1128 was acquired by government in 1974. It was later committed vide file numbers 62859, 203253 and another file whose number is not legible to three (3) different entities. Report by SPRO on 30<sup>th</sup> November, 2009. Page 21

*\* Note: This correspondence from SPRO advices Commissioner of Lands against dealing in these parcels.*

24. A letter Ref: S/Z/J/10 dated 9<sup>th</sup> March, 2010 by Awale Transporters Ltd. addressed to Minister for Lands appealing for peaceful enjoyment of the property he developed - MN/VI/3666. Pages 22A - 22C

25. A letter Ref: MIN/MOL/GEN/VOL.III of 15<sup>th</sup> May, 2012 addressed to Hon. Prof. George Saitoti, Minister of State for Provincial Administration on MN/VI/3666 on CR. 30827, and written by Hon. Orengo, Minister for Lands. Pages 23A & 23B

*\* Note: this is a response to Awale's appeal of 24 above.*

26. A letter from Hon. Orengo, Minister for Lands Ref: MIN/MOL/GEN/VOL. 111 of 22<sup>nd</sup> May, 2012, addressed to Hon. Sam Ongeru, Minister for Foreign Affairs concerning MN/VI/3666. Pages 24A & 24B

*\* Note: Hon. Orengo further to 25 above writes to Ministry for Foreign Affairs promising alternative land for the Rwandese.*

27. Minister of Defense Hon. Mohamed Yussuf Haji vide letter Ref: PER/MYH/012 of 4<sup>th</sup> June, 2012 and addressed to Hon. Prof. Sam Ongeru, Minister for Foreign Affairs pleading for alternative land for the Rwandese and letting Awale Transporters Ltd. retain MN/VI/3666. Pages 25A & 25B

*\* Note: This was a personal plea from one Minister to another on behalf of a citizen.*

28. A letter from Hon. Orengo Ref: ADM/350/VIII/40 of 18<sup>th</sup> October, 2012 addressed to Minister for Foreign Affairs Hon. Sam Ongeru and Minister for Provincial Administration Hon. Katoo Ole Metito committing to finding alternative land for Rwanda. Pages 26 A & 27B

29. A letter Ref: CR 272/Vol.9/93 dated 4<sup>th</sup> December, 2012 from the Director of Surveys addressed to the Commissioner of Lands seeking clarification on multiple allocations and subdivisions of MN/VI/1128-1132. Page 27

30. Grant of MN/VI/1128 in favor of Samuel Charo Kazungu executed on 13<sup>th</sup> February, 2013 for a term of 99 years with effect from 1<sup>st</sup> January, 2000 (CR 59439).

*\* Note: parcel MN/VI/1128 is not available for allocation to an individual. Government acquires land for public purpose and not for private use therefore purchasing from one person and allocating it to another in its original shape and size is an illegitimate process. Another "allocation" of this parcel was done at 12 above.*

31. Grant of MN/VI/1131 in favor of Joseph Marwa executed on 13<sup>th</sup> February, 2013 with effect from 1<sup>st</sup> January, 2000 for a term of 99 years. Pages 29A - 29C

*\* Note: This parcel was "allocated to other individuals in 6 and 13 above, and they are all null and void. If letter of allotment for MN/VI/1131 is null and void, so is a grant of that parcel.*

32. Grant of MN/VI/1129 in favor of James Ndoro executed on 13<sup>th</sup> February, 2013 for a term of 99 years with effect from 1<sup>st</sup> January, 2000. (CR. 59437). Pages 30A - 30C

*\* Note: A Grant of compulsorily acquired parcel cannot exist. Government does not purchase land for private entities.*

33. Copy of a Grant of MN/VI/4055 in favor of Awale, registered on 18<sup>th</sup> February, 2013. Pages 31A - 31E

*\* Note: This is illegal amalgamation whose Grant cannot exist.*

34. Grant of MN/VI/4055 (which is an amalgamation of MN/VI/1128 - 1132) in favor of Awale Transporters limited for a term of 99 years with effect from 1<sup>st</sup> July, 1995, and registered at Mombasa Registry on 18<sup>th</sup> February, 2013. Pages 31A - 31E

*X \* Note: This is an irregular transaction. There is no evidence of due process having being followed. Parcels MN/VI/1128 - 1132 are not available for amalgamation, since they ceased to exist as single units. Any allocation of any space within the confines of former MN/VI/1128 - 1132 must come after re-planning. That was the purpose of the compulsory acquisition. The purpose of the compulsory acquisition is no longer required, the parcels must revert back to original owners.*

35. Department of Land receipt no. 3108798 of 26<sup>th</sup> February, 2013. Payments are for Uns. Industrial plot no. 'A' in Miritini. Page 32

*\*Note: Where is plot 'A'?*

36. Notification of approval by Mombasa County Government of MN/VI/4055 for Awale Transporters Ltd., dated 5<sup>th</sup> April, 2013. Pages 33A & 33B

*\*Note: This is grossly irregular transaction. There can never be an approval of a sub-division for property that does not legally exist.*

37. Subdivision recommendation of MN/VI/4055 by District Land Officer, dated 8<sup>th</sup> April, 2013. Page 34

*\*Note: This is grossly irregular transaction. There can never be an approval of a subdivision for property that does not legally exist.*

38. Application for provisional certificate of title CR. 12875/1, vide Gazette Notice Number 6484 of 17<sup>th</sup> May, 2013. Page 35

*Note: Is this for MN/VI/1128?*

39. Certificate of subdivision for MN/VI/4055 for subplots MN/VI/8012-8042 from Mombasa County Government, dated 21<sup>st</sup> September, 2013. Page 36

*\*Note: This is grossly irregular transaction. There can never be an approval of a subdivision for a property that does not legally exist.*

40. Subdivision of MN/VI/4055 into thirty one (31) subplots approved by Mombasa County Government. Dated 21<sup>st</sup> October, 2013 subplots (MN/VI/8012 - MN/VI/8042) were registered at Mombasa Registry in favor of Awale Transporters Ltd. Pages 37A - 37E

*\* Note: While a subdivision of this government land is good for urban development, it being done for an individual from an amalgamation nullified in 33 above is unacceptable. All resultant parcels should therefore be claimed for the public and their allocations subjected to the normal process of law on allocation of public land.*

41. A letter from an advocate dated 28<sup>th</sup> October, 2013, representing 'owners' of MN/VI/3638, 3640, 3667 and 3668 writing to the registrar complaining that MN/VI/4055 is encroaching on their clients' properties. Pages 38A - 38C

*\*Note: A case of compounded irregularities. Those parcels are subdivisions of acquired parcels which do not technically and legally exist.*

42. Director of Surveys letter Ref. CR2744/VOL.45/106 of 29<sup>th</sup> November, 2013 to the Chairman, National Land Commission asking for confirmation whether letter of Allotment for MN/VI/1130 in favor of Ruara Investments Ltd is genuine or not. Page 39

43. Director of Surveys' letter Ref. CR 2745/VOL.45/107 of 29<sup>th</sup> November, 2013 to the Chairman, National Land Commission asking for confirmation whether Letter of Allotment for MN/VI/1129 in favor of Faith Lina Wathome is genuine or not. Page 40

44. New rent schedule for MN/VI/8012-8042 from Mombasa County Government, dated 3<sup>rd</sup> December, 2013. Pages 41A & 41B

*#Note: This is grossly irregular transaction. There can never be an approval of a subdivision for property that does not legally exist. Rents for them is therefore irrelevant.*

45. Rate Clearance Certificate from Mombasa County Government for MN/VI/4055, dated 8<sup>th</sup> December, 2013. Pages 42 A & 42B

*\*Note: This is grossly irregular transaction. There can never be clearance certificate for a subdivision for a property that does not legally exist.*

46. Rates payment slips by Awale for MN/VI/4055. Pages 43A - 43C

47. Authentication slips for MN/VI/1129 & 1130 is written by the Director of Surveys to Licensed Surveyor Edward Kiguru informing him that his Surveys on F/R.560/39 & 40 have been approved. Director's letters are Ref.2743/VOL.45/126 &127 of 21<sup>st</sup> February, 2014 respectively.

*\* Note: This procedure is unnecessary because re-establishment of acquired parcels is illegal. The Director of Surveys cannot purport to allocate government land as he seems to have done in 42 and 43 above and go right ahead and re-establish the parcels in their original form.*

48. Application for allocation of MN/VI/1132 by Badhili Elijah Yaah, Abdallah Jumaa Ngozi, John Mugo Njeru, to the Chairman, National Land Commission dated 12<sup>th</sup> March, 2014, for Dry Dock. Chairman asked for a ground status report. Meanwhile a suspect letter of allotment in favor of the applicants above surfaced. The letter of Allotment Ref. 62864/22 was backdated to 16<sup>th</sup> February, 2000. Page 45

*\* Note: The applicants applied for the parcel on 12<sup>th</sup> March, 2014 and the letter of allotment was dated 16<sup>th</sup> February, 2000. Ground report was unnecessary because the parcel was not available for allocation. Also MN/VI/1132 was "allocated" at 4, 11, 18 & 19 above. All of these are illegal.*

49. Excerpts of Commission Meeting held on 12<sup>th</sup> March, 2014. Page 7 of the minutes states the resolution of the commission to seek for alternative land for the Rwandese. Pages 46A - 46D

*\* Note: This was as a result of a request by MOLHUD at the insistence of Ministry for Foreign Affairs of Kenya. Alternative land for the Rwandese has to be found.*

50. A Memo Ref: ADM/350/VOL.X/44 and dated 16<sup>th</sup> June, 2014 from Ag. Land Secretary addressed to chairman, NLC giving proposals for alternative land to the Rwandese government. Page 47

*\* Note: Pressure to identify and allocate land for Rwanda in Miritini starts in earnest.*

51. List of squatters and payments for vacating MN/VI/3666, dated 8<sup>th</sup> July, 2014. Pages 48A - 48D

*\* Note: A list and payment schedule for squatters on MN/VI/3666 by Awale is filed here.*

52. A letter from Ministry of Interior and Coordination of National Government Ref: SF/CHA/LND/4VOL.1/49 of 11<sup>th</sup> July, 2014 forwarding list of squatters on MN/VI/3666, addressed to Awale to facilitate compensation. Page 50

*\* Note: This is Ministry acting at the local level. Strangely no IDs were either listed or attached, and the persons are identified by appearances. It could a case of officials collecting money on behalf of fictitious persons.*

53. EACC commences investigations into the allocation of MN/VI/1130 vide Ref. EACC.6/16/1 Vol. XXIX (32) of 15<sup>th</sup> July, 2014. Letter was written to Principal Secretary, Ministry of Land, and Housing and Urban Development. Pages 51A - 51W

*\* Note: This letter should have been addressed to the National Land Commission. But assuming that it was meant for the Registrar, it opens the opportunity for investigating serious fraud.*

54. A letter Ref: LPH/LAND/1-1/58 of 18<sup>th</sup> July, 2014 from CEM-Lands, Mombasa County to chairman, NLC asking for information before concurring with the commission on the issue of alternative land for Rwanda. Pages 53A - 53 C

55. List of squatters and payments for vacating MN/VI/3666, dated 5<sup>th</sup> August, 2014. Pages 53A - 53C

*\* Note: More of what happened in 51 above.*

56. Bundle of vouchers signed by squatters for Awale for payments to vacate MN/VI/3666. Pages 54A - 54pp

*\* Note: A culmination of payouts to squatters.*

57. A letter Ref: MFA. REL/13/46 dated 11<sup>th</sup> September, 2014 from PS, Foreign Affairs to chairman, NLC requesting for speedy processing of the alternative parcel for Rwanda. Page 55

58. The Government of Rwanda, vide letter Re.1472/09.04/23/14 dated 1<sup>st</sup> October, 2014 accepted the offer of allocation of MN/VI/8017 and 8022 after site inspection conducted by the Ministry of Lands, Housing and Urban Development in coordination with Ministry of Foreign Affairs of Kenya. Page 56

*\* Note: This was in line with government efforts to resolve the long standing and embarrassing issue of land for Rwanda, even after the Government of Rwanda gave us a prime property in down town Kigali. Like Uganda, they did their part of the bargain, we did not. Now finally they got compensation and are happy.*

59. Ministry of Foreign Affairs vide letter to Chairman, National Land Commission, Ref. MFA. REL.13/46 of 14<sup>th</sup> October, 2014 requests for speedy documentation of the parcels. Page 57

*\* Note: The ministry of Foreign Affairs of Kenya is extremely happy that the Government of Rwanda finally has a parcel in Miritini which, topographically is much more suitable for their purpose than MN/VI/3666.*

60. A letter Ref: ATL/NLC/01/14 dated 21<sup>st</sup> October, 2014 by Awale to chairman, NLC surrendering MN/VI/8017 & 8022. Page 58

*\* Note: Awale opted not to present himself for the review process for MN/VI/1128-1132. He decided to surrender titles voluntarily. This procedure is perfectly acceptable to the commission and has happened in other contentious areas before where citizens voluntarily surrender titles to illegally acquired public land.*

61. Chairman's letter Ref: NLC/CHAIRMAN/VOL.VII/105 of 30<sup>th</sup> October, 2014 to Principal Secretary, Ministry for Foreign Affairs on donation of land to Rwanda. This letter confirms availability of alternative land for Rwanda. Page 59

*\* Note: This was done after alternative land was found and MOLHUD moved to survey, consolidate and Register the acquired parcels.*

62. A letter Ref: 286253/55 dated 3<sup>rd</sup> November, 2014 by Director of Land Administration, NLC to County Land Registrar, Mombasa through Chief Land Registrar forwarding the surrender by Awale of MN/VI/8017 & 8022. Page 60

*\* Note: Commission received the surrender of MN/VI/8017 & 8022 from Awale and forwarded them to Land Registrar, Mombasa.*

63. A copy of certificate of postal search on 5<sup>th</sup> November, 2014 for MN/VI/8017 (CR. 61417) showing the surrender of the parcel by Awale Transporters Ltd. to Government of Kenya. Pages 61A & 61B

*\* Note: This is proof that MN/VI/8017 and, by extension 8022 are now unencumbered public property, available for public use.*

64. A letter Ref: MOLHUD/ADM/HOU/9/5 dated 7<sup>th</sup> November, 2014 from PS Lands to chairman NLC thanking the commission for quick action on the Rwanda land fiasco. Vice chair approved allocation after Land Administration committee meeting. Page 62

65. Principal Secretary, Ministry of Lands, Housing and Urban Development's Letter Ref. MOLHUD/ADM/HOU/9/5 of 12<sup>th</sup> November, 2014 to the County Commissioner, Mombasa informing him of visit to site. Page 63

*\* Note: This was the Ministry of Land's effort to secure the land and hand it over to Government of Rwanda. Perennial squatter problems in the coast and especially around Miritini should not jeopardize this noble cause. The sooner it is done, the better for everybody.*

66. Letter Ref: CF: 3418(2) from Commissioner Khalif of NLC addressed to Bamboo Twist, and dated 11<sup>th</sup> November, 2014 requesting for information on their claims to MN/VI/1128. Page 64

67. Legal Department of National Land Commission advised the Chairman about the suspect letter of allotment for parcel Number MN/VI/1132. The Internal Memo is Ref. 62864/30 of 11<sup>th</sup> November 2014. Page 65

*\* Note: This memo is a response to the Chairman's letter mentioned in 48 above.*

68. Letter Ref: LPH/LAND/1-1/ (86) of 14<sup>th</sup> November, 2014 from CEM-Lands, PLANNING AND HOUSING, Mombasa County, concerning a development application for MN/VI/4055. Page 66

69. Letter from Chief Land Registration Officer, Mombasa insisting that CR. 59131 exists correctly and that the Grant is valid-dated 1<sup>st</sup> December, 2014. Page 67

*\* Note: A typical example of how Mombasa and Nairobi no longer work together, a phenomenon that is the root cause of land fraud at the coast.*

70. Report on Rwandan Embassy land to the Cabinet Secretary, Ministry of Land, Housing and Urban Development. The report was written by the Director of Surveys-Ref: CR/274SVOL.45/182 of 3<sup>rd</sup> December, 2014. Report was requested by the CEO, NLC. Pages 68A - 68E

*\* Note: (a). Does not mention the compulsory acquisition of the parcels. (b). Does not recognize MN/VI/4055. (c). Says that MN/VI/4055 is not a consolidation of MN/VI/1128-1132. (d). Does not recognize the subdivision that created MN/VI/8012-8042 from MN/VI/4055. (e). that those plots do not exist or available for allocation.*

71. NLC approval of alternative parcel for Rwanda. Memo to chairman Ref: 116488 TC/53 of 3<sup>rd</sup> December, 2014. Page 69

72. Letter by Chief Land Registrar to Chief Land Registration Officer, Mombasa concerning parcel MN/VI/4055, CR. 59131, instructing him to put a government caveat on the parcel and all its subdivisions. Letter Ref: MSA/A/24 VOL. XIII/84, dated 4<sup>th</sup> December, 2014. Page 70

*\* Note: This never happened.*

73. A VALUATION REQUISITION FORM MN/VI/8017 & 8022 dated 9<sup>th</sup> December, 2014. Instruction given by Director Land Administration, NLC following approval of allocation of the parcels to the Rwandese. Page 71

74. Letter of Allotment for MN/VI/8017 & 8022 Ref: 116488T.C/57 of 10<sup>th</sup> December, 2014 in favor of Rwanda. Pages 72A - 72D

*\* Note: Now the Rwandese are finally issued with a letter of allotment for MN/VI/8017 & 8022.*

75. A letter Ref: 116488T.C./55 of 10<sup>th</sup> December, 2014 by Director Land Administration, NLC addressed to PS, MOLHUD confirming availability for alternative land for the Rwandese. Page 73

76. Letter of acceptance by Rwanda of MN/VI/5132. Letter Ref: 258/15.00/MIN/2015 of 4<sup>th</sup> February, 2015. Page 74

77. Letter of acceptance by Rwanda of MN/VI/8017 & 8022 - Ref: 151/11.11.16/2015 of 9<sup>th</sup> February, 2015. Page 75

*\* Note: Rwanda accepts grant of the parcels.*

78. Principal Secretary, Ministry of Lands, Housing and Urban Development's letter Ref. MLHUD/ADM/HOU/9/5 of 12<sup>th</sup> February, 2015 to Director of Land Administration, National Land Commission forwarding letter of acceptance of Grant of MN/VI/8017 & MN/VI/8022 by Rwanda. Pages 76A - 76C

*\* Note: After inspection of the new site in 30 above, the Rwandan Government, through our Ministry for Foreign Affairs accepted the offer of MN/VI/8017 and 8022 which were amalgamated into MN/VI/5132.*

79. Letter from Director of Surveys for MN/VI/5132 - consolidation of MN/VI/8017 & 8022 - Ref. CR. 2745/Vol.45/194 of 13<sup>th</sup> April, 2015. Pages 77A - 77E

*\* Note: This is an acceptance by the Director of Surveys (read MOLHUD) that MN/VI/5132 was correctly allocated and is public land available to Rwandan Government. It is also a vindication of the opinion that his earlier statements in 42 and 43 above were misplaced.*

80. A Memo Ref: MBS/116488 TC OF 24<sup>TH</sup> April, 2015 by Chief State Council to Principal State Council of MOLHUD, concerning MN/VI/3666. Page 78

*\* Note: This never happened.*

81. A bundle of documents from the chairman NLC to Commissioner Khalif, covered by letter Ref: NLC/CHAIRMAN/VOL.XI/166 of 30<sup>th</sup> June, 2015 and concerning MN/VI/1128-1132, instructing gathering of information and analysis of issues around the parcels. Pages 79A - 79N

*\*Note: This report was triggered by that request.*

82. Chief Land Registrar's letter CLR/FL/VOL.I/62 of 1<sup>st</sup> July, 2015 to District land Registrar (Mombasa) forwarding lease document for MN/VI/5132. Documents were registered in Mombasa and title issued to Government of Rwanda. Pages 80A - 80q

*\* Note: The Ministry, through Director of Surveys and the Chief Land Registrar have finally accepted that previous correspondences, allocations, registrations and all other dealings in MN/VI/1128 - 1132 were illegal, null and void. And that MN/VI/1128 - 1132 no longer existed in their original forms.*

83. A copy of Certificate of Title CR. 65837 in favor of Rwanda for MN/VI/5132. Pages 81A - 81B

84. Letter from County Planning and Architecture Director, Mombasa County Government, asserting that all approval documents for subdivision of MN/VI/4055 are forgeries. The letter was dated 24<sup>th</sup> September, 2015. Page 82

*\* Note: Mombasa County Government disowns the letters purportedly originating from them. An example of confusion in all levels of government and how officers have turned their offices into private units within government which cannot be held accountable.*

85. A letter from Land Secretary, MOLHUD Ref: 116488T.C/62 of 28<sup>th</sup> September, 2015, concerning the surrender of title to MN/VI/3666 and the acceptance of alternative MN/VI/5132. Page 83

86. Letter Ref. MFA/ADM 1/63 A Vol. XIII/(13) of 29<sup>th</sup> September, 2015 to Principal Secretary, Ministry of Lands, Housing and Urban Development – concerning the grant of MN/VI/5132 (amalgamation of 8017 & 8022) – awaiting exchange of titles. Pages 84A & 84B

*\* Note: Here the Ministry for Foreign Affairs is pushing for the exchange of titles of MN/VI/5132 and MN/VI/3666 in order to free MN/VI/3666 and commit MN/VI/5132.*

87. Letter Ref: MFA.ADM 1/63A VOL. XIII (16) dated 1<sup>st</sup> October, 2015 to PS Lands to PS Lands confirming that the Ministry has executed the transfer of MN/VI/3666 in exchange for MN/VI/5132 on behalf of Government of Rwanda. Page 85

88. Discharge by Ministry of Foreign Affairs of Kenyan Government obligation to offer alternative land to the government of Rwanda – 1<sup>st</sup> October, 2015. Pages 86A & 84B

*\* Note: Here the Ministry for Foreign Affairs of Kenya is in a hurry to get out of a bind and is anxious to commit MN/VI/5132 to Rwanda. Discharge of responsibility is a last step to a fulfilled promise.*

89. Letter Ref. MFA. ADM 1/63 A Vol. XIII (16) of 1<sup>st</sup> October, 2015 to inform that the Ministry has executed the surrender of title for land MN/VI/3666 in exchange for parcel of Land MN/VI/5132 as per request. Attached also was the original discharge note signed by Ministry of Foreign Affairs and the government of Rwanda of title registered as CR. 30827/1 in lieu of the lost title. Page 87

*\* Note: Here both Governments have exchanged the documents, and Rwanda has officially taken over MN/VI/5132, and has surrendered title to MN/VI/3666.*

90. A letter Ref: 116488 TC/67 of 27<sup>th</sup> November, 2015 from Land Secretary, MOLHUD to PS, Foreign forwarding surrender documents of MN/VI/3666 to the Rwandese. Pages 88A & 88B

91. A letter Ref: M/CG/VOL.1/25 of 30<sup>th</sup> November, 2015 by District Surveyor addressed to the chairman, NLC reporting on land for Rwanda Government. The letter confirms that MN/VI/8017 & 8022 were surrendered to government by Awale so as to give to Rwanda as stated in NLC letter Ref: 286253/55 to the Chief Land Registrar dated 3<sup>rd</sup> November, 2014. Those parcels were consolidated to form MN/VI/5132 and registered as CR. 65837 in favor of Rwanda. The letter carries a search to confirm that. Pages 89A & 89B

92. A letter from the Chairman of NLC addressed to the Embassy of Rwanda and the Governor of Mombasa dated 20<sup>th</sup> January, 2016. The letter sites determination of the review of MN/VI/3666 for propriety or legality. The said review was allegedly done in Mombasa between 3<sup>rd</sup> and 6<sup>th</sup> August, 2015. The chairman categorically stated that the commission has determined that MN/VI/3666 belongs to the Government of Rwanda. Pages 90A - 90F

*\* Note: Issues of protocol and accuracies of information aside, the commission up to that time never sat to determine the propriety or legality of the grant MN/VI/3666. No reference to any minute is made nor was the determination gazette or the Registrar informed. No order for revocation of other existing title was given. No reversal of any subsequent commitment to the Rwandese as regards the grant of MN/VI/5132 was made. The chairman authorized the issuance of MN/VI/5132 to the Rwandese and a title has since been issued to them. According to this letter, the Rwandese can keep both parcels. MN/VI/3666 is not affected by the Dongo Kundu Bypass Project as alleged by this letter.*

93. Chairman's letter Ref: NLC/CHAIRMAN/VOL.VX? Of 9<sup>th</sup> February, 2016, inviting Awale for a meeting to discuss MN/VI/3666, MN/VI/1128-1132 & MN/VI/4055. Page 91

*\* Note: If a review has been done and determined as it says in 92 above, why was this necessary?*

94. A letter from Registrar of Titles, Mombasa "To WHOM IT MAY CONCERN" Ref: CF 34526 of 11<sup>th</sup> February, 2016 concerning MN/VI/1128-1132 answering parliamentary questions. Pages 92 & 92B

95. Lease document for MN/VI/1132 in favor of Zakaria Simani Khazalwa-letter forwarding this from Chief Land Registrar to District Land Registrar, Mombasa Ref. 267040/7 of 18<sup>th</sup> February, 2016. Pages 93A - 93D

*\* Note: This is yet another attempt to dispose off MN/VI/1132. But the date of registration of the lease is 4<sup>th</sup> February, 2016.*

96. Lease document for MN/VI/1131 in favor of Andrew Mwita. Letter by Chief Land Registrar to District Land Registrar, Mombasa, Ref: 267039/7 of 18<sup>th</sup> February, 2016. Pages 94A - 94E

*\* Note: Compounding fraud.*

97. Lease document and Deed Plan for MN/VI/1128 in favor of Issak Locho for MN/VI/1128 - Ref: 267036/7 of 18<sup>th</sup> February, 2016. Pages 95A - 95D

*\* Note: Compounding fraud.*

98. Letter from Chief Land Registrar, Mombasa, Ref: CLR/FL/VOL.3?589 of 22<sup>nd</sup> February, 2016. This is a schedule of lease documents for action. Parcels are MN/VI/1128, 1131, 1132, 1133 & 1132. Page 96

*\* Note: Compounding fraud.*

99. A law firm, Garane & Associates Advocates vide letter Ref: G&A/GEN/2016 of 1<sup>st</sup> March, 2016 responded to the chairman's letter in 52 above. Pages 97A - 97E

*\* Note: A threat to sue for double standards.*

100. A letter from CEO of NLC to PS, Ministry for Foreign Affairs Ref: NLC/ADMIN/1 of 9<sup>th</sup> March, 2016 concerning surrender of title to MN/VI/3666 in exchange for Grant of MN/VI/5132. Page 98

*\* Note: This is the completion of the long process of allocating land to the Rwandese. The commission insists that the Rwandese physically takeover and protect the land from squatters.*

101. Review of Grants and Dispositions of MN/VI/1128-1132. Recommendation for revocation. Pages 99A - 99C

*\* Note: NLC determines that MN/VI/1128-1132 are compulsorily acquired public land not available for allocation in their original state. Resolves to expunge the Mombasa Registry Records. Despite that resolution, instruction to the Registrar to do that is awaiting the chairman's signature.*

102. Draft minutes of Review of Grant and Disposition of Public Land. Pages 100A - 100D

*\* Note: This is a draft of minutes of the review committee on many public parcels including MN/VI/1128-1132 and MN/VI/3666. These minutes are awaiting confirmation and chairman's signature before instruction to the registrar for revocation.*

## ANALYSIS

### (a) PROCESSES AND PROCEDURES

Processes and timelines listed above indicate that each of the parcels (MN/VI/1128 - 1132) were acquired by government vide Gazette Notice 248 & 249 of 25<sup>th</sup> January, 1974. The purpose of the acquisition was for expansion of Urban Development of Mombasa. The government of Kenya paid for the parcels, thus making them public property. The titles were thereafter expunged from records, meaning that MN/VI/1128 - 1132 ceased to exist. The land was to be re-planned for industrial use.

Item	Parcel Numbers	Number of Entities Claiming Parcel Each Parcel
1	MN/VI/1128	4
2	MN/VI/1129	3
3	MN/VI/1130	3
4	MN/VI/1131	5
5	MN/VI/1132	7
6	MN/VI/3666	2

Subsequent fraudulent 'allocations' to multiple entities created a typical case of multiple allocations in a scale never seen before. MN/VI/1128 & 1129 were each allocated to at least four (4) different persons while MN/VI/1130-1132 were allocated to at least five (5) different entities. Despite the multiplicity of transactions, the parcels could not have been available for allocation in their original form, having been acquired by government. If government no longer needed the land, they should have them returned to their original owners, which never happened. The allocations of MN/VI/1128 - 1132 together with their subsequent subdivisions were therefore illegal and should be declared null and void and expunged from records.

Awale Transporter's amalgamation of MN/VI/1128 - 1132 was illegal. Bamboo Twist's purchase of the same parcels, were based on fake letters of allotments. Both Awale and Bamboo presented long lists of squatters they bought out which in some cases were identified by the area government officials. It would seem that both companies dealt with villagers squatting on government land to clear ways for themselves. Awale went a step further and subdivided the amalgamation into 31

subplots, and registered all in his name. While the process is irregular, subsequent subplots on approved survey plan should all be properties of the government of Kenya.

The Commission conducted a review of grants of these parcels (MN/VI/1128 - 1132) and determined that they should be revoked. This was done after publication in the dailies and giving the respondents ample opportunities to be heard. Awale declined the invite and dropped his claims on the land while Bamboo still insists that his titles should be upheld.

Meanwhile the Commission, together with the Ministry of Lands, Housing and Urban Development, determined that the land is available for re-planning and alienation for industrial use. Through that process, a long standing dilemma of the government to find suitable land for the Government of Rwanda was resolved by allocating MN/VI/8017 & 8022 to the Government of Rwanda. The two parcels were amalgamated into MN/VI/5132, lease prepared, and title registered in Mombasa Registry. The Rwandan Government has since taken possession of the parcel.

As far as records show, MN/VI/1132 was allocated to the Government of Uganda. Although they have not taken physical possession of the parcel, it technically still belongs to them. Allocation to a public body is a public purpose need and therefore what used to be MN/VI/1132 should be registered in the name of the Government of Uganda, under a new identity (new LR numbers).

In determining the status of MN/VI/1128-1132, the commission gave weight to the following considerations:

**(b) MN/VI/1128-1132:**

- ✓ *Did government procedurally acquire the land and pay for it?*
- ✓ *Are there any evidences of a reversal of acquisition by government?*
- ✓ *Has the land been planned and proposed for industrial use allocations?*
- ✓ *Has there been any conversions from Government Land to any other category?*
- ✓ *Are the processes of subsequent allocations been above board?*
- ✓ *How many times has each parcel been allocated to different entities?*
- ✓ *Can the issue of first registration arise?*
- ✓ *In the event of sale of parcels from one fraudulent 'owner' and to another buyer, does the issue of 'Innocent Purchaser for Value' arise?*

- ✓ Documents filed show that governments at both levels have received money in form of rents and rates from certain allottees. Can this be ascertained as genuine payments, and could that confer certain rights to the entities that paid?
- ✓ Now that the allocations have been determined to be invalid, how will the claimants be compensated for their losses?
- ✓ What remedial measures or actions would be appropriate for government officers responsible for the technical, legal and administrative blunders?
- ✓ How can the Chief Land Registrar not be aware of registrations done in Mombasa? How can the Registrar in Mombasa register property without instructions from Nairobi?

**(c) MN/VI/3666:**

- ✓ Did Awale settle and develop land planned for the Rwandan Government, or did the Commissioner of Lands allocated to the Rwandese land that Awale developed, applied for regularization and got allocations for?
- ✓ There is evidence of loss of title by the Rwandese, and application for a provincial title. Why did Rwanda wait for so long to claim their property?
- ✓ How was it possible for everybody to stand aside and let Awale invest so heavily in the land? Where were the Rwandese all that time?
- ✓ Why did government accept payments of rents and rates from Awale if he was an identified illegal occupier of Rwandese land?
- ✓ Did the commission and the Ministry of Land, Housing and Urban Development jointly identify alternative land for Rwanda?
- ✓ Did Ministry of Foreign Affairs and the Rwandese concur with and accept the alternative land, which was in lieu of the surrender of MN/VI/3666?
- ✓ As it now happened, Rwanda has been allocated an alternative parcel of land, and have a registered title for it. Doesn't that end their claim to MN/VI/3666?
- ✓ If Awale is to be denied MN/VI/3666 which he has fully developed, and the Rwandese have settled for MN/VI/5132 whose title they have, who then will be given MN/VI/3666?

Although multiple entities have been "allocated" parcels MN/VI/1128-1132, and although most of them have registered titles for the same parcels, it is only Awale and Bamboo Twist that are active claimants and litigants over these parcels. Records show that both of them came much later than all the others. It is very difficult to explain why their case has been given more weight than all the others.

While Awale's "allocation" of MN/VI/1128-1132 came like those of previous persons, Bamboo Twist allegedly bought from persons who dubiously acquired letters of allotment, all of them the same day, and their titles registered the same day. Careful scrutiny of those documents show that they were clear forgeries. Our investigators have made strenuous efforts to contact those person and only succeeded in talking to one of them. That person denied ever owning or been allocated any land in Miritini. He is a fruit vendor in *Markiti* in Mombasa.

#### RECOMMENDATION.

In a review of grants and disposition meeting held on..... inside the 7<sup>th</sup> floor boardroom, the commission, after a long deliberation resolved as follows:

- That all allocations pertaining to former parcels MN/VI/1128-1132, whether still at the stage of a letter of allotment or a grant having been prepared be revoked.
- That all subdivisions arising out of and registered be declared public land under the administration and management of the commission.
- That MN/VI/3666, in lieu of which MN/VI/5132 was allocated to the Government of Rwanda, and which is now registered in the name of Awale Transporters Ltd be upheld.
- That I, Abdulkadir Khalif be tasked to prepare a detailed report on the history of the parcels.

The review committee's resolutions on revocation was based solely on the fact that the parcels were never available for allocation in their original forms and that government needed to re-plan and alienate the resultant parcels for industrial expansion.

The review committee resolved to regularize MN/VI/3666 for Awale, basing their decision on the following:

- That Awale has fully developed the parcel.
- Has been in actual occupation for more than 30 years.
- No longer has any dispute with the Rwandese since they have been allocated alternative land, and a title registered for them in MN/VI/5132.
- That Awale has surrendered titles to MN/VI/8012-8042.

This matter is now before the Parliamentary Committee on Land. The committee asked both the Ministry and the Commission to prepare and present a report on all past dealings and current status of the parcels. It is in that regard that I endeavor to prepare

and present this report to the commission and hope that this is in line with the deliberations and resolutions of the commission.

Prepared By:

  
Comm. Abdulkadir Khalif

Commissioner, National Land Commission.

May, 2016.

ANNEX 6

MEMO

From: Hon. Gonzi Rai

To: Cabinet Secretary (Lands)

Date: 19<sup>th</sup> October 2015

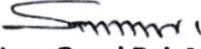
RE: PLOT NO. 1128, 1129, 1130, 1131, 1132 LR MN/VI

I wish to give a chronological event of the following cases:

1. Sometimes in 1974 the above land was acquired by the government from Mehta Sons Ltd for 'Future Urban Development'.
2. In 1999/2000 the above land was being invaded heavily by the local squatters who were seeking Government allocation for the same piece of Land.
3. That on the same year about five persons, who are locals were allocated the said land 1128, 1129, 1130, 1131, 1132 VI/MN.
4. In about the year 2012 the above five locals sold the land to **Bamboo Twist Ltd** who are located at Mwamdudu land L.R. 4526/VI/MN – who were neighbors of the same land in question.
5. This was due to this fact the number of squatters then was increasing
6. In February 2013, the Title Deeds for 1128/1129/1130/1131 VI/MN were processed and issued to the four local persons who were allotted the land. One title i.e 1132/VI/MN has not been processed to date and is awaited by allotted local person & Bamboo Twist Ltd
7. Bamboo Twist Ltd. was later registered as owner of the land in 2013 for 1128/1129 while 1130 and 1131 are in process of transfer.
8. For the purpose of records the list of squatters who were in the said land were also compensated by Bamboo Twist Ltd as per enclosed schedule. Bamboo Twist Ltd has also committed to the Mombasa County Government to surrender a portion of the land that is occupied by squatters who have built permanent houses. In addition over 110 families were compensated with a total of approx. Kshs. 35 Million.
9. In about 7/11/14 the Principal Secretary through one Ibrahim M Hussein (O.G.W) wrote a letter purporting that the Kenyan Government was donating land to the Rwandese Government (see photocopy) The Land being donated is actually a portion of Plot 1128/1129/MN/VI which is under ownership of Bamboo Twist Ltd
10. Rwandese Land as per the gazette Notice No. 2092 dated 24/2/2012 is given as L.R. No. 3666/VI/MN.
11. It is also noted that land No. L.R. 3666/VI/MN was also grabbed by one Awale Transporters Ltd. – See Title registered 2/12/97
12. The Title belonging to the Rwandese Land was also registered on 2/12/97 on the same day.
13. Bamboo Twist Ltd wrote a letter on 9/10/2014 to Commissioner Abdulkadir Khalif who happened to be an interested party explaining how Bamboo Twist Ltd came into owning this land. NLC cleared the plot via letter dated 19.02.2015 (copy attached)
14. Awale Transporters Ltd has produced a letter of allotment dated 12/07/1995 showing an allocation of 66.4Ha of land in Miritini area termed as plot A, this document is the used to process a Title for 66.4 Ha for a parcel numbered as MN/4055/VI. This parcel was alleged to be a consolidation of plot no. 1128/1129/1130/1131/1132/1133/1134/MN/VI which were individual plots and have never been consolidated to date.



15. Please note as per search at Company Registrar, AWALE TRANSPORTERS LTD was registered in 15/09/1998 and allotment issued on 12/07/1995
16. How Awale Transporters Ltd managed to obtain an allotment prior to more than 3 years before registering the business entity is in itself evidence of massive fraud
17. MN/4055/VI is overlapping on 7 plots i.e 1128/1129/1130/1131/1132/1133/1134/MN/VI, some of which were allotted and subdivided in 1985 or so and processed with Title Deeds
18. It was also noted that Awale Transporters Ltd documents were the registered owners of land plot No. 4055/VI/MN which was later fraudulently subdivided into 31 plots.
19. This was later disputed by the Director of Survey in his report to the Cabinet Secretary dated 3/13/2014 which is self-explanatory and attached herewith. This Report is very clearly showing the amount of fraud conducted by Awale Transporters Ltd in relation to MN/4055/VI
20. Despite various correspondences exchanged to justify the matter, the land commission if not the ministry went ahead to issue a letter of offer to Rwandese Government which has now resulted in the issuance of another Title registered in September/October 2015. The portion of land being offered to Rwandese Government is actually a portion of 1128/1129/MN/VI and is under ownership of Bamboo Twist Ltd. This letter of offer / allotment to the Rwandese Government is clearly mentioning the allotment is inleau of MN/3666/VI. This is done without any explanation or justification as to why the original land allotted to Rwandese Government became under ownership of Awale Transporters Ltd.
21. The amount of fraud that has made all these transactions is grave and that your intervention is necessary now.
22. A lot of arguments have been raised and matter even referred to the EACC but to my surprise there is no solution to the same at all.
23. Enclosed please find various correspondences for your easy reference to enable you bring this matter to an end.
24. All the above facts clearly indicates a large conspiracy to defraud the Kenya Government by one Awale Transporters Ltd, who has grabbed the original allocation of Rwandese Land MN/3666/VI and is now through forgery claims land that belongs to Bamboo Twist Ltd and is offering the same to Rwandese government inleau of MN/3666/VI so as to remain in possession of the fraudulently acquired land MN/3666/VI
25. Kindly avail your advice on the same with a way forward as Bamboo Twist Ltd. who are potential investors in Kinango are crying for justice.

  
**Hon. Gonzi Rai, MGH MP**  
**KINANGO CONSTITUENCY**

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ANNEX 7

# BAMBOO TWIST LTD

P O BOX 83254 MOMBASA 80100

---

20<sup>th</sup> July 2016

To,  
The Clerk of National Assembly,  
Clerks Chamber  
National Assembly  
Parliament Buildings  
P O Box 41842 – 00100  
Nairobi

Respected Sir/ Madam

**RE: MEETING WITH DEPARTMENTAL COMMITTEE ON LANDS**

With regard to your letter ref to KNA/DCL/CORR/2016 (59), we appear before this committee and hereby also submit our brief written response on the same.

We would like to bring to your attention that the ownership of MN/VI/8017, MN/VI/8022, MN/VI/1128, MN/VI/1129, MN/VI/1130, MN/VI/1131 and MN/VI/1132 is under investigation by the Directorate of Criminal Investigations and also subject to a court case vide Civil Suit no. 178 of 2014 and Civil Suit No. 40 of 2015 at the HCC MOMBASA.

Our company Bamboo Twist Ltd, negotiated the purchase of LR No. MN/VI/1128 to MN/VI/1132 from local people in approx. July 2012. A brief outline of the process and due diligence conducted is as follows.

In July 2012, five locals who claimed to be squatters, approached us with letters of allotments (attached) for parcels MN/VI/1128 to 1132, since we were already working on neighboring lands we decided to purchase the land. Upon further due diligence on the said parcels we became aware that the said parcels were acquired by GoK in 1974 vide Gazette Notice No. 248 for future urban development.

We informed the sellers that such lands was under acquisition of GoK and asked them to produce any documents to support their allotment was indeed genuine. They produced a letter from the town clerk of (now Defunct) Municipal Council Of Mombasa dated 27<sup>th</sup> August 2012, saying the letters of allotment were genuine and the council had no adverse comments on the allocation (Letter attached).

Further due diligence revealed that MN/VI/1133 & 1134 were acquired by GoK vide Gazette Notice No. 737 in 1976 and we learnt that since then they were allocated to private individuals/developers and titles seem to exist since 1985

Furthermore the sellers informed us that they were not able raise the amount required to pay the stand premium for the allocations and requested should we intend the purchase the same, we assist with paying the stand premium for the plots.

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Based on letter from Municipal Council of Mombasa and adjacent plots in the area were all earlier acquired by GOK and then allocated to private developers, we believed the allotments to be genuine. We assisted with payment of the premium on 18.09.2012, (receipt attached) after which the Titles were processed for 1128 and 1129 and registered in Mombasa Registry on 2<sup>nd</sup> April 2013 and Title for 1130 and 1131 were registered in Mombasa on 17<sup>th</sup> Dec 2014. Title for 1132 is still awaited and we hope to receive the same soon.

We had entered into sale agreement with the sellers and executed the same in 10.05.2013. Stamp Duty payment made and furthermore transfers were then subsequently drawn and executed for 1128 and 1129. (Attached)

The plots 1128 and 1129 were transferred to our company Bamboo Twist Ltd. on 18.11.2013. Plots no. 1130 and 1131 are in the process of being transferred to our company. Title for MN/VI/1132 is still being awaited.

Meanwhile on the ground, the above plots had been heavily invaded with squatters and in Nov 2013 we begin a squatter resettlement program and spend over Kshs. 32 Millions settling squatters from the said land and the resettlement program is still ongoing.

We were informed about our plot MN/VI/1128 being placed under review by NLC and we appear and present our documents in late December 2014. At the Review we produced all relevant documents requested by NLC and subsequently received clearance on our above plot from NLC on 19.02.2015. (Copy attached)

As part of further due diligence we come across report from Senior Deputy Director of Surveys to CS Lands (upon Request from CEO – NLC) dated 3<sup>rd</sup> Dec 2014, the report comprehensively covers the land MN/VI/1128-1132 and confirms all above mentioned allotments and Deed plans nos. as genuine and originating from Lands Office.

In July/August 2014, a one Awale Transporters Ltd came on our land to claim ownership of MN/VI/1128 to 1134, the dispute was taken to the District Commissioner – Changamwe and upon perusal of our documents confirmed our ownership as genuine and gave us a clearance letter on the same (Copy attached).

I would like to highlight that our company and staff have been constantly been intimidated by agents of Awale Transporters, i.e Gun threat to our staff on the ground, incident reported to DCIO – Kinango and is under investigations (copy attached), trespassed and caused malicious damage to our sign posts on our property, incident reported to Changamwe Police Station, whereby he was arrested and released on bond, matter under investigation.

We hereby thank the Departmental Committee On Lands, for having undertaken the investigations to protect the interest of investors like our selves who are working towards the vision 2030 in bringing development to the coastal region.

Yours Sincerely



Harji Govind Ruda  
Director

0721 44 88 46

0721 44 88 46



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT  
(Chapter 281)

GRANT: NUMBER CR. 59439  
ANNUAL RENT: Ksh.137,000/-  
TERM: 99 years w.e.f. 1.1.2000

SD € 1513

F. N. 13/3/13  
Charge 277

(REVISABLE)

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings six hundred and eighty eight thousand (Ksh.688,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants Unto **SAMUEL CHABO KAZINDU** of MOMBASA (Post Office Box Number 2775)

(hereinafter called "the Grantee") ALL that piece of land situate in Mombasa Municipality in MOMBASA District containing by measurement eight decimal two two nought (8.220)

hectares ~~more~~ or thereabouts that is to say L.R. No. MN/VI/1128

which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 51705 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the first day of January Two thousand ~~and~~

SUBJECT to (a) the payment in advance on the first day of January

in each year of annual rent of shillings one hundred thirty seven thousand (Ksh.137,000/-) (Revisable) w.e.f. 1.1.2000

(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

CERTIFY THIS TO BE THE TRUE COPY OF THE ORIGINAL

19/7/2013  
VIKRAM C. KANJI  
ADVOCATE  
P. O. BOX 80274  
MOMBASA  
KENYA

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that he is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
  - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
  - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for inoffensive light industrial purposes with ancillary offices and stores.
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 100 square feet may be provided for a caretaker or night watchman or such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
10. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
11. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
12. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.

CERTIFY THIS TO BE THE TRUE  
COPY OF THE ORIGINAL

.....  
VIKRAM C. KANI  
ADVOCATE  
P. O. BOX 80274  
MOMBASA  
KENYA

17/7/2018

REPUBLIC OF KENYA

DISTRICT OF MOMBASA

Locality MOMBASA Municipality

Reference Map South-B-37,  
D. 11.2

Bearings	Metres
0	

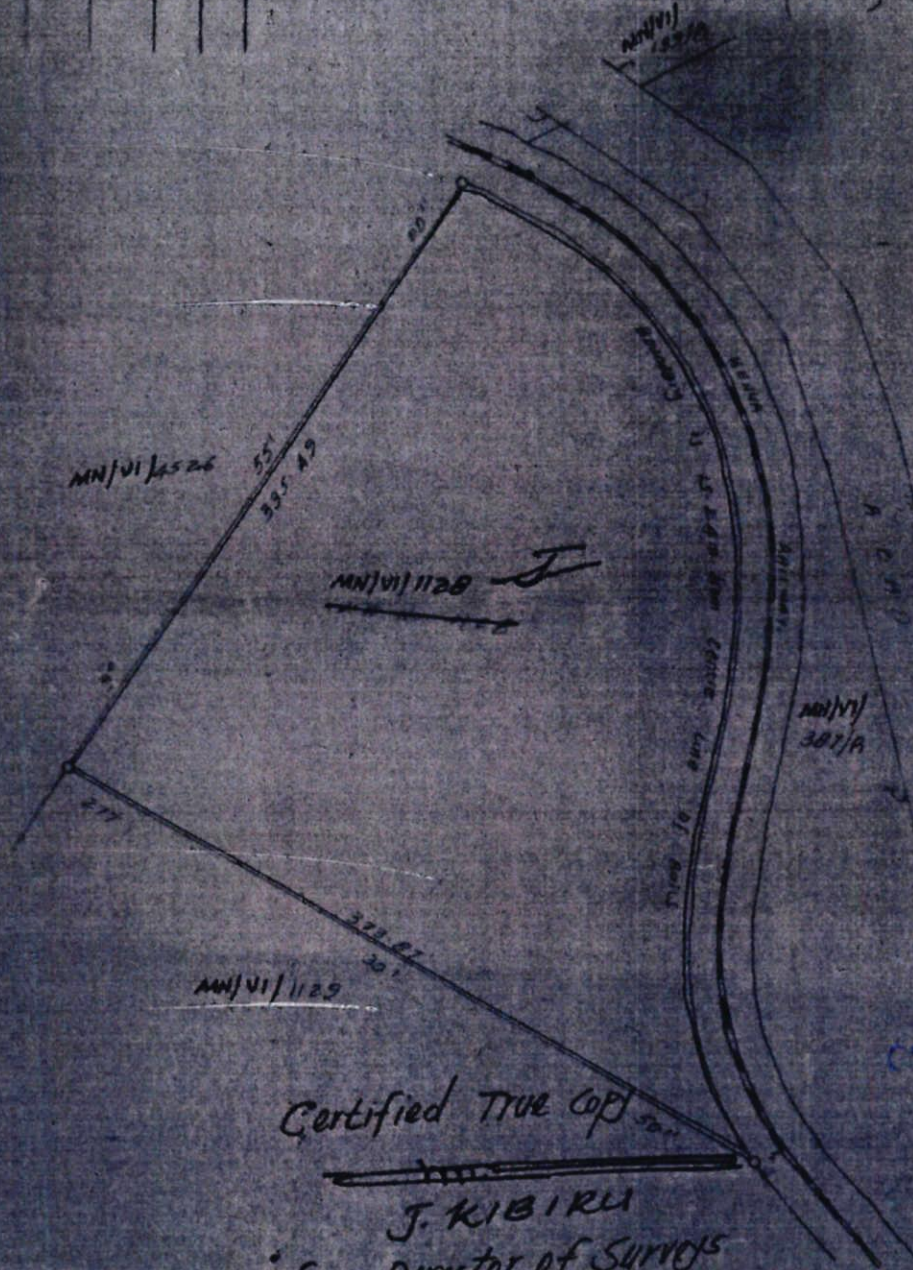
Land Reference No 428 J

(Orig No ~~428 J~~)

Sub division No 1128 (Orig No 78A/1)

of Section No VI MAIN ROAD NORTH

Area = 8.22018 (approx)



Certified TRUE COPY

J. KIBIRU  
for Director of Surveys  
Nairobi 29th JANUARY 2013

P.R. No. 65/11A

Traced by *Chang'osi*  
Compared by *AKOT*

Scale 1 in 1000  
AC 28A/11 COPY ON 23rd JAN 2013

(CERTIFIED TO BE THE TRUE COPY OF THE ORIGINAL)

J. KIBIRU  
for Director of Surveys  
Nairobi 29th JANUARY 2013  
DEED PLAN No. 51705

VIRAMU KANJI  
ADVOCATE  
P.O. BOX 80274  
MOMBASA  
KENYA

*[Signature]*  
9/7/2016

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14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.

15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.

16. The Commissioner of Lands reserves the right to ~~pay~~ the annual ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or the rate in force on the 31st December, 1988 whichever is the greater.

16. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, ZABLON AGWATA MABEA the

Commissioner of Lands have by order of the

President hereunto set my hand this

13<sup>th</sup>

day of

February

Two thousand and

thirteen

in the presence of:

CERTIFY THIS TO BE THE TRUE COPY OF THE ORIGINAL

*F. N. Orare*  
REGISTRAR OF TITLES  
F. N. Orare 297

*[Signature]*  
19/7/2016

DRAWN BY: -

F. N. ORARE  
REGISTRAR OF TITLES  
P.O. BOX 30089  
NAIROBI

39439/1  
3/10/13  
*[Signature]*

VIKRAM C. KANJI  
ADVOCATE  
P.O. BOX 80274  
MOMBASA  
KENYA

THE FOLLOWING IS TRANSFER TO: BAMBOO TRUST LIMITED

3  
Registration No 385  
18/11/2013  
*[Signature]*





RM 4)  
(T/



REPUBLIC OF KENYA

**THE REGISTRATION OF TITLES ACT**  
(Chapter 281)

GRANT: NUMBER **CR. 59437**  
ANNUAL RENT: **Ksh. 137,000/-**  
TERM: **99 years w.e.f. 1.1.2000**

*20 E 1513*  
*F. N. 10/8/13*  
*Chase 217*  
(REVISABLE)

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings six hundred and eighty eight thousand (Ksh.688,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants unto **JAMES NDORO OF SAMBURU (Post Office Box Number 20)**

(hereinafter called "the Grantee ") ALL that piece of land situate in Mombasa Municipality in MOMBASA District containing by measurement eight decimal one three nought (8.130) hectares ~~more~~ or thereabouts that is to say L.R. No. MN/VI/1129 which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 51706 deposited in the Survey Records Office at Nairobi

TO HOLD  
for the term of ninety nine (99) years from the  
first day of January Two thousand ~~and~~

SUBJECT to (a) the payment in advance on the first day of January in each year of annual rent of shillings one hundred and thirty seven thousand (Ksh.137,000/-) (Revisable) w.e.f. 1.1.2000  
(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

**CERTIFY THIS TO BE THE TRUE COPY OF THE ORIGINAL**

*[Signature]*  
*19/7/2016*  
**VIKRAM C. KANJI**  
ADVOCATE  
P. O. BOX 80274  
MOMBASA  
KENYA

**SPECIAL CONDITIONS**

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that he is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
  - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
  - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for inoffensive light industrial purposes with ancillary offices and stores.
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 100 square feet may be provided for a caretaker or night watchman or such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
10. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
11. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
12. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.

CERTIFY THIS TO BE THE TRUE  
COPY OF THE ORIGINAL

19/7/2016  
VIKRAM C. KANJI  
ADVOCATE  
P. O. BOX 80274  
MOMBASA

REPUBLIC OF KENYA

DISTRICT OF MOMBASA

Locality MOMBASA MUNICIPALITY

Reference Map South E-37  
0-11-2

Bearings	Measures

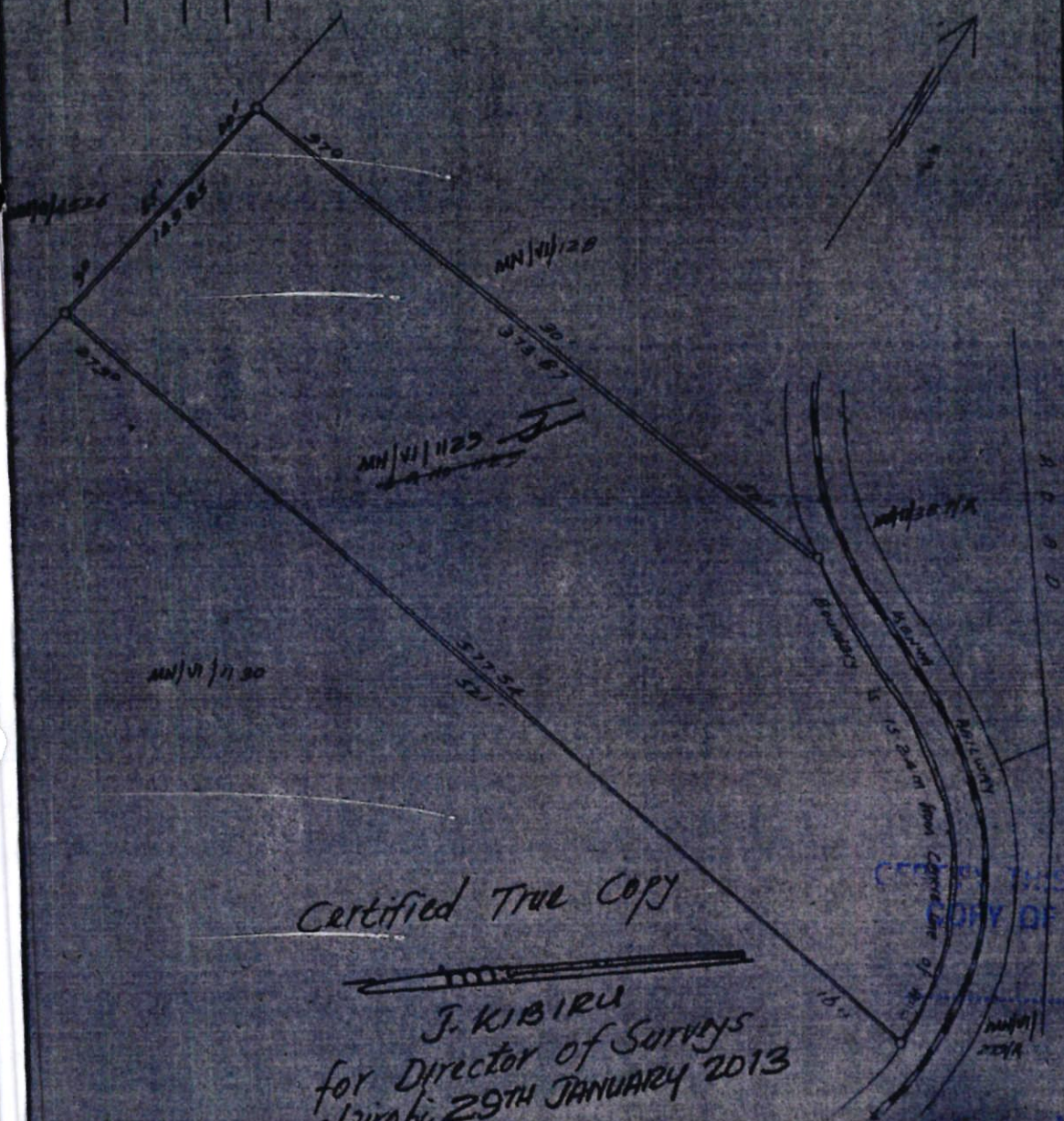
Land Reference No 1129

(Orig No 784/2)

Sub division No 1129 (Orig No 784/2)

of Section No VI MAINLAND NORTH

Area = 0.130 HA (APPRX)



Certified True Copy

J. KIBIRU  
for Director of Surveys  
Nairobi 29TH JANUARY 2013

P.R. No. 45/1A

Traced by [Signature]  
Compared by [Signature]

Scale 1 in 1000

AC-DRAWN COPY ON 23<sup>RD</sup> JAN 2013

J. KIBIRU  
for Director of Surveys  
Nairobi 29TH JANUARY 2013

DEED PLAN No. 51706

CERTIFIED TRUE COPY OF THE ORIGINAL

[Signature]  
19/1/2016.

VIKRAM C. KAN  
ADVOCATE  
P.O. BOX 8027  
MOMBASA  
KENYA

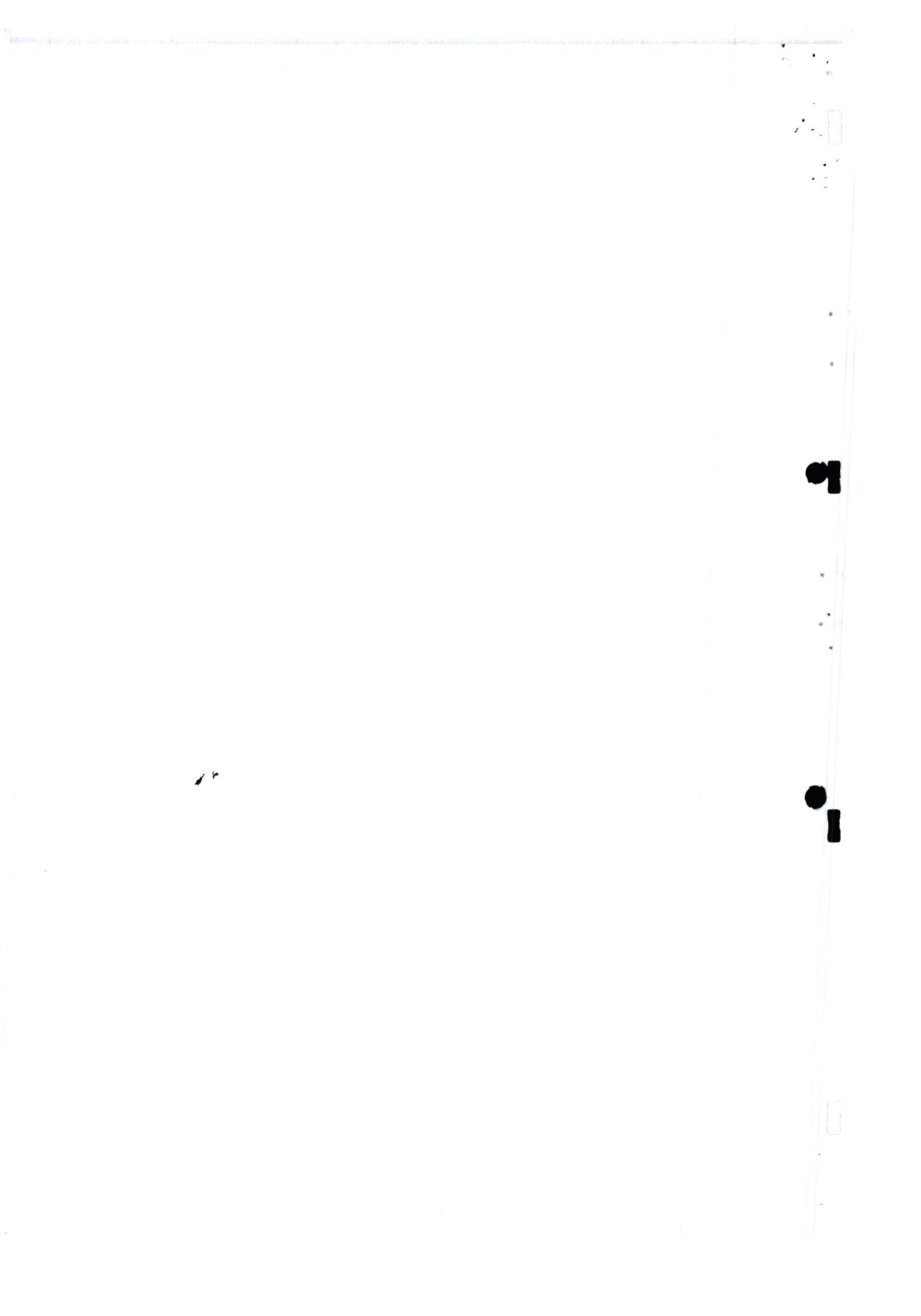
100

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DISTRICT LAND REGISTRY  
MOMBASA  
DATE 17 DEC 2014  
TIME:  
D. R. No.:



SDC 1513  
F. N. 13/2  
Phase 217



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT  
(Chapter 281)

GRANT: NUMBER CR. 64350  
ANNUAL RENT: Kshs. 137,600/- (REVISABLE)  
TERM: 99 years w.e.f. 1.1.2000

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings six hundred and eight eight thousand (Kshs.688,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants unto **ANDREW KIRONKO** of KIMANGO (Post Office Box Number 15)

(hereinafter called "the Grantee") ALL that piece of land situate Mombasa Municipality in MOMBASA District containing by measurement eight decimal two two nought (8.220) hectares/~~acres~~ or thereabouts that is to say L.R. No. MN/VI/1130 which said piece of land with the dimensions abuttals and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 51707 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the first day of January Two thousand ~~and~~

SUBJECT to (a) the payment in advance on the first day of January

in each year of annual rent of shillings one hundred and thirty seven thousand six hundred (Kshs.137,600/-) (Revisable) w.e.f. 1.1.2000 (b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

[P.T.O.]

CERTIFY THIS TO BE THE TRUE COPY OF THE ORIGINAL

VIKRAM C. KANJ  
ADVOCATE  
P.O. BOX 80274  
MOMBASA  
KENYA

19/7/2016

**SPECIAL CONDITIONS**

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that he is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
  - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
  - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for inoffensive light industrial purposes with ancillary offices and stores.
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 100 square feet may be provided for a caretaker or night watchman or such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
10. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
11. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
12. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.

**CERTIFY THIS TO BE THE TRUE  
COPY OF THE ORIGINAL**

  
**VIKRAM C. KANJI**  
ADVOCATE  
P.O. BOX 80274  
MUMBAI

19/7/2016.

REPUBLIC OF KENYA

DISTRICT OF MOMBASA

Locality Mombasa Municipality

Reference Map Sheet A-37  
D. 11.4

Land Reference No.

(Orig. No.)

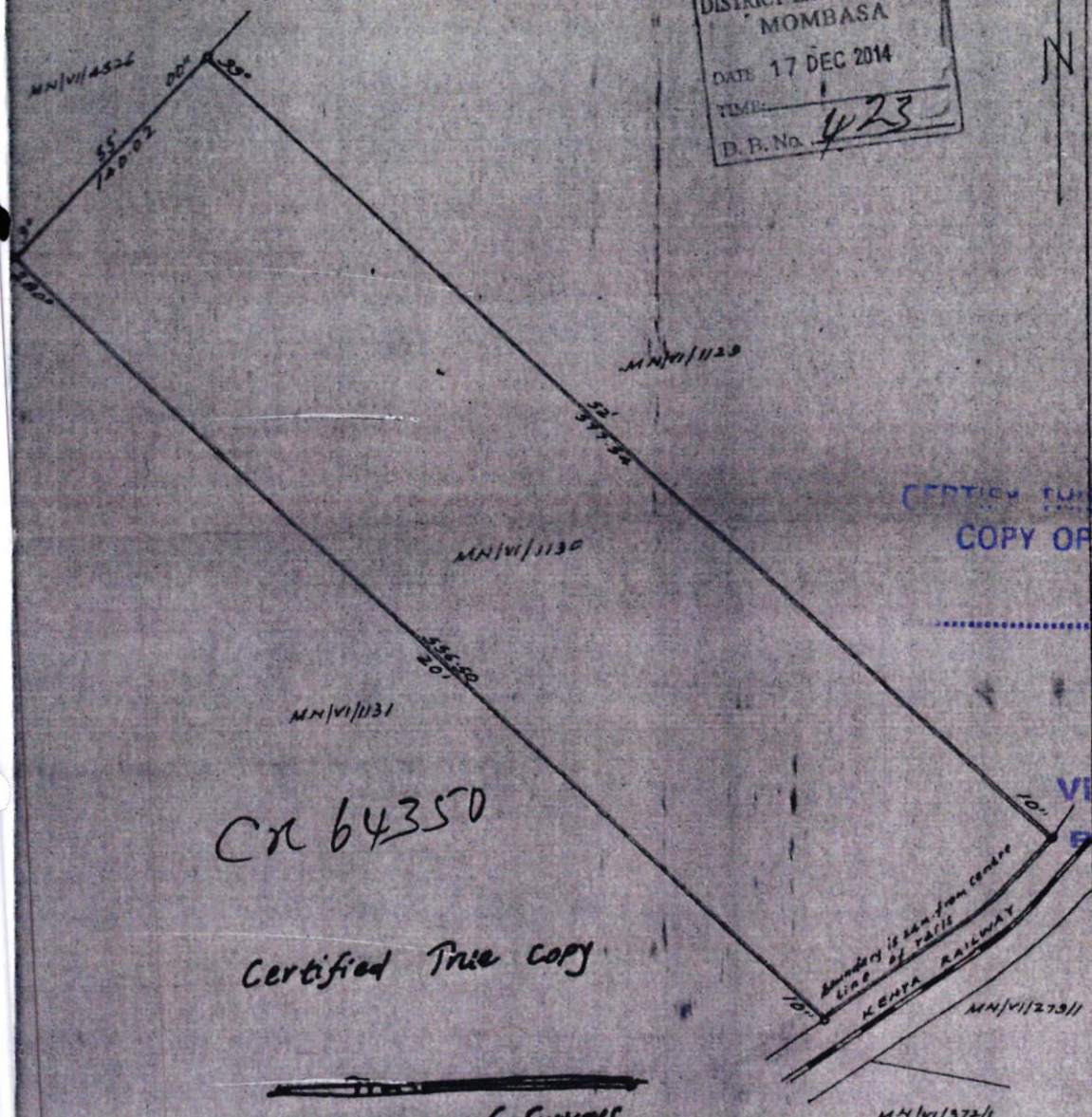
Sub division No. 1130 (Orig. No. 78413)

of Section No. VI Mainland North

Area = 18.220 Ha. (Approx.)

Bearings	Metres
0	

DISTRICT LAND REGISTRY  
MOMBASA  
DATE 17 DEC 2014  
TIME  
D. B. No. 423



CERTIFY THIS TO BE THE TRUE COPY OF THE ORIGINAL

*[Signature]*  
19/7/2016

VIKRAM C. KANU  
ADVOCATE  
P.O. BOX 80000  
MOMBASA  
KENYA

CX 64350

Certified True Copy

~~Traced~~  
for Director of Surveys  
Nairobi 29TH JANUARY 2015

F.R. No. 65/14

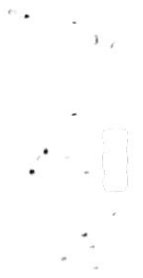
~~Traced~~  
J. KIBI RUI  
for Director of Surveys  
Nairobi 29TH JANUARY 2015

Traced by *[Signature]*  
Compared by *[Signature]*

Scale 1 in 1000

DEED PLAN No. 51707

RE-DRAWN COPY ON 23RD JAN 2018



14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
16. The Commissioner of Lands reserves the right to revise the ~~annual~~ ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or ~~at~~ the rate in force on the 31st December, 1988 whichever is the greater.
16. ~~13~~ The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, ZABLON AGWATA MABEA the

Commissioner of Lands have by order of the

President hereunto set my hand this

13<sup>th</sup>

day of

February

Two thousand and

thirteen

in the presence of:

*[Signature]*

*[Signature]*

REGISTRAR OF TITLES

F. N. Orare 217

DRAWN BY:

F.N. ORARE

REGISTRAR OF TITLES

P.O. BOX 30089

NAIROBI

LAND TITLES REGISTRY - MSA

REGISTRATIO

REGISTERED

PRESENTED

Time

TITLE ACT

ca. 60350/

17th Dec 2014

*[Signature]*  
Registrar of Title

D. J. Safari \*304

CERTIFY THIS TO BE THE TRUE COPY OF THE ORIGINAL

*[Signature]*  
19/7/2016

VIKRAM C. KANJI  
ADVOCATE  
P.O. BOX 80274  
MOMBASA  
KENYA



DISTRICT LAND REGISTRY  
17 DEC 2014



SD/E/1513  
F. N. 13/2  
Office #217



REPUBLIC OF KENYA

**THE REGISTRATION OF TITLES ACT**  
(Chapter 281)

GRANT NUMBER **CR. 64351** (REVISABLE)  
ANNUAL RENT: Kshs.137,600/-  
TERM: 99 years w.e.f. 1.1.2000

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of shillings six hundred and eighty eight thousand (Kshs.688,000/-) by way of stand premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants Unto **JOSEPH MARUWA** of MOMBASA (Post Office Box Number 96345)

(hereinafter called "the Grantee") ALL that piece of land situate Mombasa Municipality in MOMBASA District containing by measurement eight decimal two two nought (8.220) hectares ~~or~~ thereabouts that is to say L.R. No. MN/VI/1131 which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 51708 deposited in the Survey Records Office at Nairobi

**TO HOLD**

for the term of ninety nine (99) years from the first day of January Two thousand ~~and~~

SUBJECT to (a) the payment in advance on the first day of January

in each year of annual rent of shillings one hundred and thirty seven thousand six hundred (Kshs.137,600/-) (Revisable) w.e.f. 1.1.2000  
(b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

[P.T.O.]

**CERTIFY THIS TO BE THE TRUE COPY OF THE ORIGINAL**

*[Handwritten Signature]*  
19/7/2016

**VIKRAM C. KANJI**  
ADVOCATE  
P.O. BOX 80274  
MOMBASA

**SPECIAL CONDITIONS**

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that he is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
  - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
  - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for inoffensive light industrial purposes with ancillary offices and stores.
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 100 square feet may be provided for a caretaker or night watchman or such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
10. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
11. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
12. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.

CERTIFY THIS TO BE THE TRUE  
COPY OF THE ORIGINAL

  
WILLIAM C. KANG'AMBO  
ADVOCATE  
P. O. BOX 80274  
MOMBASA  
KENYA

REPUBLIC OF KENYA

DISTRICT OF MOMBASA

Locality MOMBASA MUNICIPALITY

Reference Map South - B. 37 /  
D. 11 - 9

Land Reference No

(Orig No

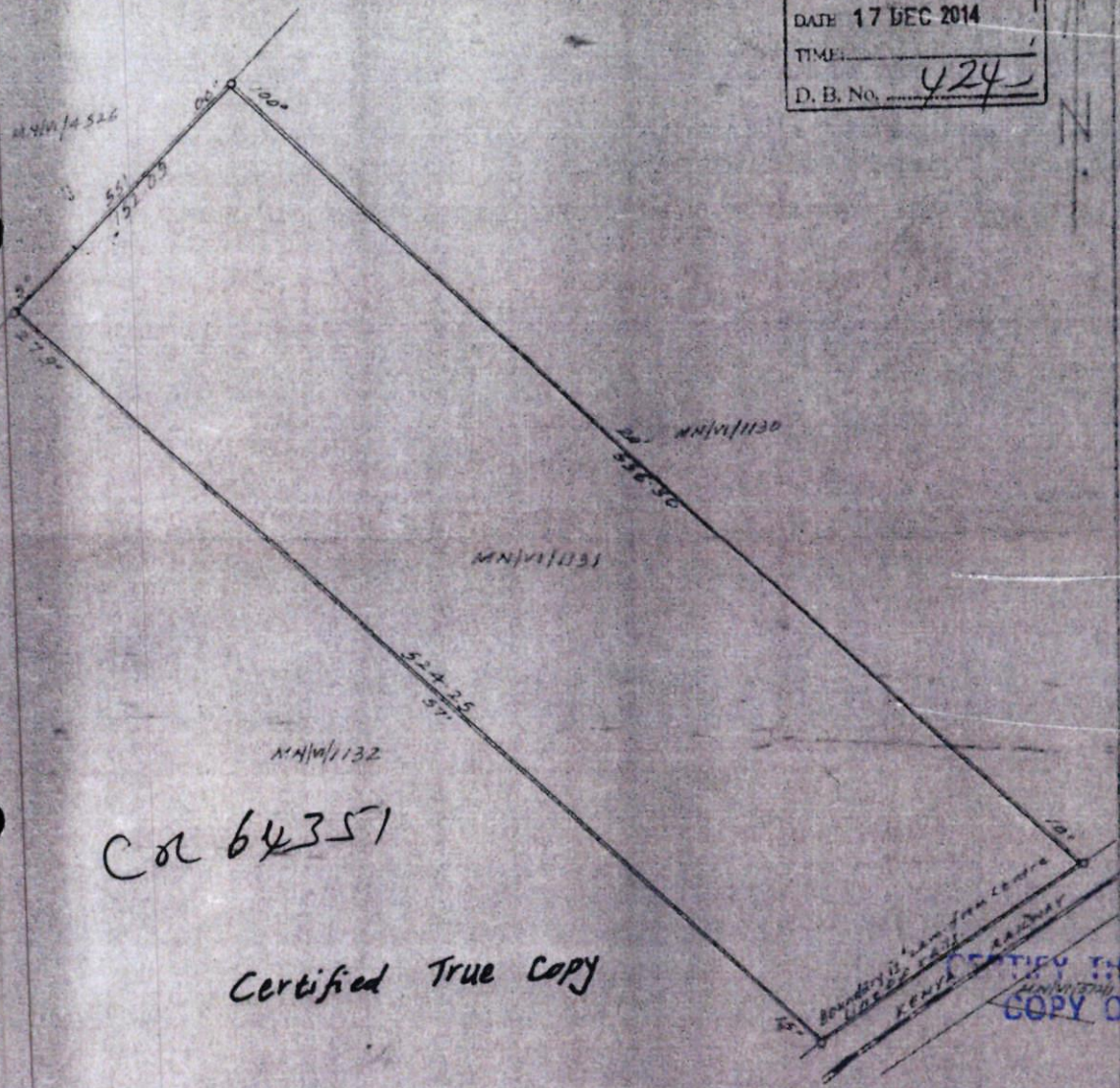
Sub division No. 131 (Orig No 78844)

of Section No VI Mainland North

Area = 0.220 Ha (approx)

Bearings	Metres

DISTRICT LAND REGISTRY  
MOMBASA  
DATE 17 DEC 2014  
TIME: \_\_\_\_\_  
D. B. No. 424



CA 64351

Certified True Copy

~~True~~  
for Director of Surveys  
Nairobi 29TH JANUARY 2013

F.R. No. 65/14

~~True~~  
J. KIBIRU  
for Director of Surveys  
Nairobi 29TH JANUARY 2013

VIKRAM C. KANJI  
ADVOCATE  
P.O. BOX 80274  
MOMBASA  
KENYA

19/7/2016

Traced by clayton  
Compared by BCR

Scale 1 in 1000  
RE-DRAWN COPY ON 23RD JAN 2013

DEED PLAN No 51708

10

11

12

13

14. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
16. The Commissioner of Lands reserves the right to revise the ~~annual~~ ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ~~ten years~~ of the term. Such rental will be at the rate of 2 per centum of the unimproved freehold value of the land as at 31st December, 1988 as assessed by the Commissioner of Lands or ~~at~~ the rate in force on the 31st December, 1988 whichever is the greater.
16. ~~17~~ The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

IN THE WITNESS WHEREOF I, ZABLON AGWATA MABEA the

Commissioner of Lands have by order of the

President hereunto set my hand this

13<sup>th</sup>  
day of February

Two thousand and

thirteen  
in the presence of:

*F. N. Orare*  
REGISTRAR OF TITLES  
F. N. Orare 217

DRAWN BY:

F. N. ORARE  
REGISTRAR OF TITLES  
P.O. BOX 30089  
NAIROBI

LAND TITLES REGISTRY - MSA  
REGISTRATION OF TITLES ACT  
REGISTERED AS No. CR. 6475/11  
PRESENTED *[Signature]* 20/14  
Time *[Signature]*  
*[Signature]*  
Registrar of Title

*D. J. Safari \*304*

CERTIFY THIS TO BE THE TRUE  
COPY OF THE ORIGINAL

*[Signature]*  
19/7/2016  
VIKRAM C. KANJI  
ADVOCATE  
P.O. BOX 80274  
MOMBASA  
KENYA

100

100

100

100

26

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050/9  
Samuel Charo Kazungu  
P.O. Box 2775  
MOMBASA

REPUBLIC OF KENYA

REGISTERED

DEPARTMENT OF LANDS  
P.O. Box 30089  
NAIROBI

Ref. No. 76474/VI

10th January, 2000

SIR(S)/MADAM,

RE: L.R. NO. MN/VI/1128

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. \_\_\_\_\_ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 8.09 hectares (approximately).  
TERM: 99 years from the

STAND PREMIUM: Sh. 688,000/-

ANNUAL RENT: Sh. 137,000/-

} Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).  
SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	688,000.00
Rent from 1,1,2000 to 31,12,2000 .. .. .	137,600.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates .. on demand .. .. .	-
Stamp Duty .. .. .	30,000.00
Survey Fees .. on demand .. .. .	-
Road and Road Drains .. on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00

Receipt No. \_\_\_\_\_ Less Deposit \_\_\_\_\_

TOTAL Sh. 859,400.00

*Accepted by*  
*[Signature]*

ABADIAH M. WAIBERIA

\*Delete ..

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.  
for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

27

REPUBLIC OF KENYA

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

10th January, 2000

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050/9

James Ngoro  
P.O. Box 20  
SAMBURU

Ref. No. 76474/VI

SIR(S)/MADAM,

RE: L.R. NO. MN/VI/1129

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. \_\_\_\_\_ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

- AREA: 8.09 hectares (approximately).
  - TERM: 99 years from the 1.1.2000
  - STAND PREMIUM: Sh. 688,000/-
  - ANNUAL RENT: Sh. 137,000/-
- } Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).  
SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

Stand Premium	Sh.
Rent from 1.1.2000 to 31.12.2000	688,000.00
Conveyancing Fees	137,600.00
Registration Fees	1,250.00
Rates on demand	250.00
Stamp Duty	-
Survey Fees on demand	30,300.00
Road and Road Drains on demand	-
Others Allocation fees	2,000.00

Receipt No. \_\_\_\_\_ Less Deposit \_\_\_\_\_

*Obadiah M. Wainaina*  
TOTAL Sh. 859,400.00

OBADIAH M. WAINAINA  
LICENSED LAND SURVEYOR  
P.O. Box 4470 NAIROBI

[P.T.O.]

\*Delete as ...

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.

for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

All to note.

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi  
 Telephone: Nairobi 718050/9  
 Andrew K Kirongo  
 P.O. Box 99948  
 MOMBASA  
 Ref. No. 76474/VI

REGISTERED

DEPARTMENT OF LANDS  
 P.O. Box 30089  
 NAIROBI

10th January, 2000

SIR(S)/MADAM, RE L.R. NO. MN/VI/1130

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. \_\_\_\_\_ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 8.0 hectares (approximately).  
 TERM: 99 years from the 1.1.2000.  
 STAND PREMIUM: Sh. 688,000/-  
 ANNUAL RENT: Sh. 137,000/-

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Departmental Lands Act (Cap. 360 of the Laws of Kenya) and this will be issued under the Legislation of Titles Act (Cap. 281) of the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	688,000.00
Rent from 1.1.2000 to 31.12.2000 .. .. .	137,600.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates on demand .. .. .	-
Stamp Duty .. .. .	30,300.00
Survey Fees on demand .. .. .	-
Road and Road Drains on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00

Receipt No. \_\_\_\_\_ Less Deposit \_\_\_\_\_  
 TOTAL Sh. 859,400.00

*Carried by*  


OBADIAH M. MUTINDA  
 LICENSÉE  
 P.O. BOX 30089  
 NAIROBI

[P.T.O.]

\*Dated as above.

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.  
for Commissioner of Lands

ENCL.

Y TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 718050/9

Joseph Marwa  
P.O. Box 96345  
MOMBASA

Ref. No. 76474/VI

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

10th January, 2000

SIR(S)/MADAM,

RE: L.R. NO. MN/VI/1131

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of \_\_\_\_\_ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. \_\_\_\_\_ subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

- AREA: 8.0 hectares (approximately).
  - TERM: 99 years from the 1.1.2000
  - STAND PREMIUM: Sh. 688,000/-
  - ANNUAL RENT: Sh. 137,000/-
- } Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium .. .. .	688,000.00
Rent from 1.1.2000 to 31.12.2000 .. .. .	137,600.00
Conveyancing Fees .. .. .	1,250.00
Registration Fees .. .. .	250.00
Rates on demand .. .. .	-
Stamp Duty .. .. .	30,300.00
Survey Fees on demand .. .. .	-
Road and Road Drains on demand .. .. .	-
Others Allocation fees .. .. .	2,000.00

Receipt No. \_\_\_\_\_ Less Deposit \_\_\_\_\_

TOTAL Sh. 859,400.00

*Carried by*

OBADIAH M. MATHAI  
LICENSED  
P.O. BOX 10000 NAIROBI

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.

for Commissioner of Lands

ENCL.

Y TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.

30

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi  
Telephone: Nairobi 7180509  
David Gatoke  
P.O. Box 99948  
MOMBASA

REGISTERED

DEPARTMENT OF LANDS  
P.O. Box 30089  
NAIROBI

10th January, 2000

Ref. No. 76474/VI

SIR(S)/MADAM,

RE: L.R. NO. MN/VI/1132

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 15.74 hectares (approximately).  
 TERM: 99 years from the 1.1.2000  
 STAND PREMIUM: Sh. 1,259,200/-  
 ANNUAL RENT: Sh. 251,840/-

} Subject to adjustment on survey, but  
 there is no claim for reduction in area on  
 survey.

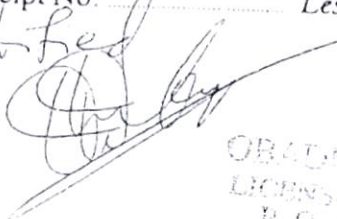
GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	1,259,200.00
Rent from 1.1.2000 to 31.12.2000	251,840.00
Conveyancing Fees	1,250.00
Registration Fees	250.00
Rates on demand	-
Stamp Duty	55,400.00
Survey Fees on demand	-
Road and Road Drains on demand	-
Others Allocation fees	2,000.00

Receipt No. \_\_\_\_\_ Less Deposit \_\_\_\_\_  
 TOTAL Sh. 1,569,940.00

*Carbed*  


OBADIAH  
 LICENS.  
 P.O.

[P.T.O.]

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,  
Sir(s)/Madam,  
Your obedient servant,

Authority: Government



KILIMO J.L.

*for Commissioner of Lands*

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk. MOMBASA

The Clerk to the Council, County Council of .....

The District Commissioner. MOMBASA

The Director of Physical Planning, Nairobi.

District Land Officer. MOMBASA

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

} All to note.



REPUBLIC OF KENYA  
Ministry of Land, Housing & Urban Development  
*Survey Department*  
*Internal Memo*

To : Cabinet Secretary  
Ministry of Land, Housing &  
Urban Development

From : Senior Deputy  
Director of Land  
Surveys

Ref: CR/274S/ Vol.45/182

Date: 3rd December, 2014

**RE: REPORT ON "RWANDAN EMBASSY" LAND LR NO. MN/VI/1128-1132 IN MOMBASA MAINLAND NORTH**

This report follows the request by the CEO National Land Commission to carry out a consolidation survey for "Rwandan Embassy" land parcels No. MN/VI/1128 -1132 within the city of Mombasa.

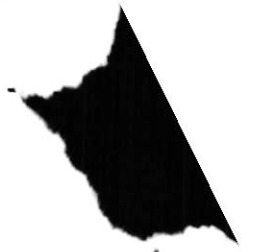
We regret we were unable to execute the survey due to the following:-

Copies of ownership documents were not attached. Proposed consolidation plans were neither approved by the County Government neither by the National Government as provided for by the Law.

Other parties have emerged laying claims to the same land. These necessitated interrogating my records to ascertain the truth of the matter.

The records in my custody indicate that:-

1. LR No.MN/VI/1128-1132 arose from a division of MN/VI/784 carried out in 1952. The plots were thereafter issued with Deed Plans No.51705 – 51709 respectively.
2. In year 2012 New Grant survey of LR No.MN/VI/1128, MN/VI/1129, MN/VI/1130, MN/VI/1131 and MN/VI/32 was submitted to Director of Surveys. The survey followed allocation of the plots MN/VI/1129 – 1132 to Samuel Charo Kazungu, James Ngoro, Andrew K. Kirongo, Joseph Marwa and David Gatoke. All the letters of allotment bore



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ref. No.7647/101 and were all dated 10th January, 2000. The records further indicate that certified true copies of DPs Nos.51705 and 51706 were issued in January, 2013.

This confirms that DP No.51705 (for MN/VI/1128 and 51706 (for MN/VI/1129 are authentic and originated from this office.

3. **Plot LR No.MN/VI/4055** claimed by Awale Transporters.

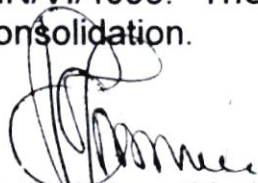
My records show that MN/VI/4055 is a plot measuring 0.9463 Ha allocated to Gopal Construction Co. in 1997 for Light Industry (attached find a copy of letter of allotment and survey plan).

MN/VI/4055 is **NOT** a consolidation of MN/VI/1128-1134. These plots have not been consolidated into one plot to date.

DP No.226468 was not issued for LR No. MN/VI/4055 as purported by Awale Transporters.

Further, the purported sub-division of LR No. MN/VI/4055 is not in our records and its authenticity is questionable.

The plots which were supposed to be consolidated for "Rwanda Embassy" were resultant of the purported (forged) subdivision of MN/VI/4055. These plots do not therefore exist and are not available for consolidation.



Polly Gitimu (Mrs)

**SENIOR DEPUTY DIRECTOR OF SURVEYS**

c.c. N.O.O. - Director of Surveys

c.c. Chief Land Registrar

- Comps - 65443

65444

62477

40668

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# City of Mombasa



City Hall  
Treasury Square  
P. O. Box 90440 - 80100  
MOMBASA

Telephone Mombasa  
041 2311531  
Fax: 041 2316499  
Email: townclerk@mombasacity.go.ke

Office of the Town Clerk

When replying please quote

Our Ref No: G 135

27<sup>th</sup> August 2012

Mr Samuel Charo Kazungu  
Mr James Ngoro  
Mr Andrew K Kirongo  
Mr Joseph Marwa  
Mr David Gatoke  
**MOMBASA**

Dear Sirs

**LETTER OF ALLOTMENT REF: 76474/VI OF 10<sup>th</sup> JANUARY 2000**  
**RE: MN/VI/1128/1129/1130/1131/1132**

We confirm receipt of your letter dated 31<sup>st</sup> July 2012 and confirm that the details mentioned in the above letters of allotments are as per our records at the Council

This is to confirm that the Mombasa Municipal Council has no adverse comments for the said allocation and has no current Urban Development Plan.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tubmun Otieno', written over a horizontal line.

Tubmun Otieno  
**TOWN CLERK**

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SALE No. 244090

Cl. 027816

ORIGINAL

DEPARTMENT OF LANDS

2986314

FEE RECEIPT

Station Nbi

18/9/2012

		NATURE OF FEE	Sh.	cts.
Received from	<u>Samuel</u>	Certificate of Title .. ..		
	<u>Chano</u>	Registration .. ..	500	
of	<u>Kazungu</u>	Search Certificate .. ..		
	<u>Box 2775</u>	Opening New Register .. ..		
	<u>Mbs</u>	Attestation .. ..		
		Inspection .. ..		
		Copying .. ..		
		Conveying/Preparation..	1250	
By	Cash			
	the sum of			
	Cheque			
Shillings	<u>Eight hundred</u>	Survey Fees .. ..		
	<u>and</u>			
	<u>seven</u>	Rent .. ..		
	<u>thousand</u>		137,650	
	<u>and</u>	Stand Premium .. ..		
	<u>four hundred</u>		688,000	
	<u>only</u>	Stamp Duty	30,000	
cents		Land Adjudication Fees		
as per marginal statement nature of transacti		Deposits		
	<u>clt</u>	Approval fees	2000	
Title Number	<u>LR no MN/VI/1128</u>			
	<u>A</u>			
COMMISSIONER OF LANDS		TOTAL KSh.	859,400	







SALE No. 243970

CH. 027879  
 qt. 027880  
**ORIGINAL**

DEPARTMENT OF LANDS 2986312

**FEE RECEIPT**

Station Mb1 19/9/2012

		NATURE OF FEE	Sh.	cts.
Received from <u>David</u>		Certificate of Title ..		
<u>GADDA</u>		Registration .. ..	500	
<u>Box 44948</u>		Search Certificate ..		
<u>Mb1</u>		Opening New Register ..		
		Attestation .. ..		
		Inspection .. ..		
		Copying .. ..		
		Conveying/Preparation..	1250	
Cash				
by the sum of				
Cheque		Survey Fees .. ..		
Shillings <u>One Million</u>				
<u>Five hundred</u>		Rent .. ..		
<u>&amp; fifty nine</u>			251810	
<u>thousand nine</u>		Stand Premium ..		
<u>hundred &amp;</u>			1,259,200	
<u>forty one</u>		Stamp Duty		
cents			55,400	
As per marginal statement nature of transaction		Land Adjudication Fees		
<u>C/A</u>		Deposits		
		<u>Approval Fee</u>	2000	
File Number <u>LRND Mm/vi/1132</u>				
<u>Ⓟ</u>				
COMMISSIONER OF LANDS		TOTAL KSh.		1,569,940/-



SD1

Serial No 929084



# KENYA REVENUE AUTHORITY

## DOMESTIC TAXES DEPARTMENT

P.O. BOX 30165 NAIROBI (00100) TEL: 310900 FAX: 253532

### STAMP DUTY DECLARATION, ASSESSMENT & PAY-IN-SLIP

**PART I: TO BE COMPLETED BY THE STAMP DUTY PAYER**

Date of instrument	Nature of Transaction	Title Number	LR Number	Location/Town	Area/Size	Declared Value
(1) 6.11.2013	TRANSFER					5,000,000/=
(2)	OF LEASE	59437/1129/v/mny		8.130	HECTARES	
(3)						
(4)						
(5)						

Particulars of Parties	Name	PIN	Postal Address & Code	Tel No.
(6) Owner/Vendor	JAMES MOORE	A0016625607	20	
Transferor			SAMBURU	
Others (specify)				
Transferee	BAMBOO	A000187227	483254-	
	TWIST LIMITED		80100 Samburu	
Agent/Advocate	AB. PATEL	A0006188430	80274-	2226519

NB: Please provide additional information if any on the space provided overleaf

**PART II: TO BE COMPLETED BY THE REGISTRAR**

Amount of Duty Assessed (9) Kshs. 200,040/-

Penalty Amount (Where Applicable) (10) Kshs.

Does it Qualify for Valuation? Yes (11)  No (12)

Amount of Duty Payable in words: TWO HUNDRED THOUSAND FOURTY AND FORTY

Name of Registrar/Assessor: (Examined & Certified by) Designation: Signature: Date: 6/11/13

**PART III: PAYMENT DETAILS**

	Cash/Cheque Number	Drawer's Bank Name & Branch	Amount (Kshs.)
(13) Amount of Duty Paid	001131	NATIONAL BANK	200,040/-
(14) Penalty		OF KENYA LTD	
(15) Bank Charges			110/-
(16) Total Amount Paid			200,150/-

Signature: AB. PATEL Date: 6/11/2013



Form to be filled in Quadruplicate & Distributed as follows:

- White - Duty Payer's Copy
- Blue - Commissioner of Domestic Taxes Copy
- Green - District Registrar's Copy
- Yellow - Bank's Copy

(Please turn overleaf for instructions)

National

**National Bank**

**CUSTOMER TRANSACTION RECEIPT**

REVENUE STAMP

06/NOV/2013  
16:30:53Hrs  
0630

Teller ID : HJUT

NIKUMAH ROAD BRANCH - EFUB

Voucher : STAMP DUTY - CASH FMT

Account Name : COMM OF DOMESTIC TAXES -STAMP DUTY  
Contra Account : 01001032110600

LR No : MN/VI/1129  
Nature of Trans : TRANSFER  
Name of Transfr : A.B., PATEL & PATEL

Serial No. : 0929034  
PIN Transferee : F000618843D

Excise Duty :

AMOUNT (IMPRESSSION MADE IN THE PRESENCE OF TWO BANK WITNESSES)  
SIGNATURE OR IMPRESSION KES  
\* TWO HUNDRED THOUSAND AND FORTY ONLY \*\*\*\*\*

M 3833  
RECEIVED  
06 NOV 2013  
CASHIER  
NATIONAL BANK OF KENYA LTD.  
NATIONAL BANK OF KENYA  
KISumu ROAD, NAIROBI  
www.nationalbank.co.ke

**CUSTOMER TRANSACTION RECEIPT**

**National Bank**

NIKUMAH ROAD BRANCH - EFUB

Teller ID : HJUT

Voucher : CURRENT ACC. WITHDRAWAL

Account Name : A. B., PATEL & PATEL ADVOCATES  
Account Number : 01020065783000

Cheque Number : 000000001131  
Trans Desc : CASH CRD., NO.,1131

Excise Duty :

AMOUNT (IMPRESSSION MADE IN THE PRESENCE OF TWO BANK WITNESSES)  
SIGNATURE OR IMPRESSION KES  
\* TWO HUNDRED THOUSAND AND FORTY ONLY \*\*\*\*\*

06/NOV/2013  
16:27:57Hrs  
0101

M 0630  
RECEIVED  
06 NOV 2013  
CASHIER  
NATIONAL BANK OF KENYA LTD.  
NATIONAL BANK OF KENYA  
KISumu ROAD, NAIROBI  
www.nationalbank.co.ke

**INSTRUCTIONS**

- (1) For the purpose of this document, the word 'Registrar' refers to the Registrar of Titles or the Lands Registrar
- (2) The pay - in slip will be completed in a set of 4 copies
- (3) All boxes (1-16) must be completed, where applicable.
- (4) Once completed and certified by the Registrar / assessor, **4 copies (i.e. original, duplicate, triplicate a quadruplicate)** will be taken by the duty payer to the stamp duty-receiving bank for payment
- (5) **The original** to be retained by the duty payer for presentation, as evidence of payment to the Registrar for the purpose of stamping of the document, but the actual stamping will be done upon receipt of triplicate copy from the bank.

SD1

Serial No 929083



# KENYA REVENUE AUTHORITY

## DOMESTIC TAXES DEPARTMENT

P.O. BOX 30165 NAIROBI (00100) TEL: 310900 FAX: 253532  
STAMP DUTY DECLARATION, ASSESSMENT & PAY-IN-SLIP

**PART I: TO BE COMPLETED BY THE STAMP DUTY PAYER**

Date of Instrument	Nature of Transaction	Title Number	LR Number	Location/Town	Area/Size	Declared Value
(1) 6.11.2013	TRANSFER OF LEASE	59439	1128	VII/MW	8.220 HECTARES	5000,000/=
(2)						
(3)						
(4)						
(5)						

Particulars of Parties	Name	PIN	Postal Address & Code	Tel No.
(a) Owner/Vendor	SAMUEL CHARO		2775	
(b) Transferor	KAZUNGU		MOMBASA	
(c) Others (specify)				
(a) Transferee	BAMBOO TWIST	0187227	83254-	
(b) Transferee	LIMITED		80100 MOMBASA	
(c) Transferee				
(a) Agent/Advocate	AB. PATEL PATEL	1000 61 8843	180274-2226	519
			80100 MOMBASA	

NB: Please provide additional information if any on the space provided overleaf

**PART II: TO BE COMPLETED BY THE REGISTRAR**

Amount of Duty Assessed (9) Kshs. 200,040/=

Penalty Amount (Where Applicable) (10) Kshs.

Does it Qualify for Valuation? Yes(11) No(12)

Amount of Duty Payable in words: TWO HUNDRED THOUSAND AND FORTY

Name of Registrar/Assessor: (Examined & Certified by) Designation: Signature: Date: 6/11/13

**PART III: PAYMENT DETAILS**



Cash/Cheque Number	Drawer's Bank Name & Branch	Amount (Kshs.)
(13) 001132	NATIONAL BANK OF KENYA LTD	200,040/-
(14)		
(15)		110/-
(16)		200,150/-

Amount Paid By: PATEL PATEL Signature: Date: 6/11/2013

Form to be filled in Quadruplicate & Distributed as follows:  
White - Duty Payer's Copy  
Blue - Commissioner of Domestic Taxes Copy  
Green - District Registrar's Copy  
Yellow - Bank's Copy

(Please turn overleaf for instructions)

**CUSTOMER TRANSACTION RECEIPT**



NIKUMAH ROAD BRANCH -- EFUB Teller ID : HJUT  
 Voucher : CURRENT ACC. WITHDRAWAL  
 Account Name: A. B. PATEL & PATEL ADVVATES  
 Account Number: 01020005783000  
 Cheque Number : 060000001132  
 Trans Desc: CASH CHEQ. NO.1132  
 AMOUNT (KES) 0000000000.00  
 Excise Duty : 0.00  
 Comm: XXXXXXXXXXXXXXXXXXXX00XXXX  
 IMPRESSION MADE IN THE PRESENCE OF TWO BANK WITNESSES  
 KES \* TWO HUNDRED THOUSAND AND FORTY ONLY \*\*\*\*\*  
 SIGNATURE OR IMPRESSION

REVENUE STAMP  
 06/NOV/2013  
 16:23:43Hrs  
 0101

M 072882

TELLER'S STAMP  
 NATIONAL BANK OF KENYA LTD.  
 NIKUMAH ROAD BRANCH  
 EFUB

**CUSTOMER TRANSACTION RECEIPT**



NIKUMAH ROAD BRANCH -- EFUB Teller ID : HJUT  
 Voucher: STAMP DUTY -- CASH PMT  
 Account Name: CORR OF DOMESTIC TAXES --STAMP DUTY  
 Contra Account: 01001032110500  
 LR No: MH/VL/1128  
 Nature of Trans: TRANSFER  
 Name of Transfr: A.B PATEL & PATEL  
 AMOUNT (KES) 0000000000.00  
 Excise Duty : 10.00  
 Comm: XXXXXXXXXXXXXXXXXXXX100.00  
 IMPRESSION MADE IN THE PRESENCE OF TWO BANK WITNESSES  
 KES \* TWO HUNDRED THOUSAND AND FORTY ONLY \*\*\*\*\*  
 SIGNATURE OR IMPRESSION

REVENUE STAMP  
 06/NOV/2013  
 16:32:43Hrs  
 0630

M 072884

TELLER'S STAMP  
 NATIONAL BANK OF KENYA LTD.  
 NIKUMAH ROAD BRANCH  
 EFUB

**INSTRUCTIONS**

- (1) For the purpose of this document, the word 'Registrar' refers to the Registrar of Titles or the Lands Registrar.
- (2) The pay - in slip will be completed in a set of 4 copies
- (3) All boxes (1-16) must be completed, where applicable.



## NATIONAL LAND COMMISSION

Telegrams: "MINILANDS", Nairobi

Telephone: Nairobi 2718050

ARDHI HOUSE  
NGONG ROAD  
P.O. Box 44417  
NAIROBI

**Ref:** NLC/CHAIRMAN/VOL.IX/120


**Date:** 19<sup>th</sup> February, 2015

✓ Director  
Bamboo Twist Ltd  
P. O. Box 83254  
**MOMBASA**

### **MATTERS TO DO WITH LAND PARCEL NO.MN/VI/1128, MIRITINI - MOMBASA**

Further to our letter of 11<sup>th</sup> November, 2014, we have now established, after public hearings in Mombasa on 26<sup>th</sup> January, 2015 and further investigations that:

- i) The said parcel legally belongs to you supported by records from our offices, the respective Deputy Commissioner and the local people. The leasehold is for 99 years from 1<sup>st</sup> January, 2000.
- ii) Indeed, LR.NOs.MN/VI/1128 - 1132 arose from a division of MN/VI/787 that was carried out in 1952, genuine deed plans issued and allocations done to several persons.
- iii) The deed plans for MN/VI/1128 and even for MN/VI/1129 are certified as authentic and genuine.
- iv) Transfers to yourselves were duly executed and there are agreements for sale to support this.

  
**MUHAMMAD A. SWAZURI, PhD, OGW**  
**CHAIRMAN, NATIONAL LAND COMMISSION**

c.c.

**Governor - Mombasa County**

**CEO/Secretary - NLC**

**Commr. Dr. Rose Musyoka - in charge Mombasa County**

**OFFICE OF THE PRESIDENT  
MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT**

Telegrams, "DISTRICTER", Changamwe  
Email: [dc.changamwe@yahoo.com](mailto:dc.changamwe@yahoo.com)  
Telephone: 020-3502037  
When Replying please quote



DEPUTY COUNTY COMMISSIONER'S OFFICE  
CHANGAMWE  
P.O. Box 93444  
**CHANGAMWE**

**RE: CHA/LND 12/4 VOL.3/23**

**7<sup>th</sup> August, 2014**

Harji Goviad Ruda  
c/o Bamboo Twist Ltd  
P.O. Box 83254  
MOMBASA

Dear Sir,

**RE: CONFIRMATION OF OWNERSHIP OF PLOTS  
NOS 1128, 1129, 1130, 1131 & 1132/V/MN**

This is to confirm that after perusing ownership documents presented by you to this office, we confirmed that you are the rightful owners of the said parcels of land.

In that case, this office has no other issue in regard and after following the other procedures as required by the County Government, Nema and any other institution. You can proceed with your developments.

  
**BENJAMIN NJOROGE  
DEPUTY COUNTY COMMISSIONER  
CHANGAMWE SUB COUNTY**



# NATIONAL POLICE SERVICE

Telegrams:  
Email:  
Tel:



DIVISIONAL CID HQRS  
P.O. BOX 119,  
KINANGO.  
14<sup>TH</sup> MAY, 2015

## DIRECTORATE OF CRIMINAL INVESTIGATIONS

FROM: DCIO KINANGO.

TO : COLFAX LTD.

REF: CID/SEC/4/4/VOL I/243.

INQUIRY FILE NO. 2/2015.

Please be informed that the above inquiry has been opened to ascertain the circumstances under which one Mr. Bile Abdi Jumale of Awale Transporters in Miritini Mombasa who is a licensed firearms holder allegedly threatened one Mr. Mwadena Mbaru Fune an employee of Colfax Ltd in Miritini area with his fire arm on the 16<sup>th</sup> February 2015.

The case is pending under investigation and necessary action will be taken once investigations are complete.

P. OCHIENG.  
DCIO KINANGO.

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E.N. WAITHIRA & COMPANY  
ADVOCATES

LEGAL MANSION BUILDING  
BASEMENT FLOOR  
NKRUMAH ROAD

Email Address;enwaithiraadvs@gmail.com

TEL: 0711-399593  
P.O BOX 90610-80100  
MOMBASA.

PIN NO. /VAT NO. A006703578G

**E.N WAITHIRA, LLB. Nrb, Dip in Law (KSL)**

OUR REF:

YOUR REF:

DATE: 11/6/15

TO:  
REGIONAL COMMANDER <sup>Sr:</sup>  
COAST REGION  
MOMBASA

11/06/15

Dear Sir,

**RE: COMPLAINT AGAINST OCS & O.CP.D. CHANGAMWE**  
**OUR CLIENT: BAMBOO TWIST**

We refer to the above matter wherein our client reported at Changamwe Police Station that on 3/6/2015 one SALAD AWALE JUMALE together with others descended on our client's property leaving behind a trail of damage.

Be that as it may, the said SALAD AWALE JUMALE was apprehended by police and taken to custody at the said police station where he was released on a police bond pending his appearance in court on 5<sup>th</sup> of June 2015..

However our client have learnt that the said person have never been charged since 3/6/2015 when he was apprehended.

It is our client's contention that either the O.C.S or the O.C.P.D Changamwe Police Station is colluding with the suspect to evade being arraigned in court to answer charges relating to damaging of our clients property. Our instructions are that your good office should intervene to ensure that justice is done.

We shall be grateful if you intervene as our client feels aggrieved by the actions of the said officers the O.C.S and O.C.P.D Changamwe.

**TAKE NOTICE** that if there is no actions taken, within the next 7 days from the date hereof, our client will proceed to seek further intervention from the relevant authorities.

Yours faithfully,

**E.N. WAITHIRA & CO. ADVOCATES**

  
**E.N. WAITHIRA**

Cc: O.C.S. CHANGAMWE

O.C.P.D. CHANGAMWE.



R

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**GARANE & ASSOCIATES**  
ADVOCATES

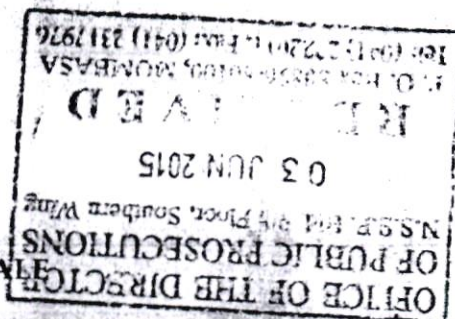
Alibhai F. Hassan  
Amina S. Ali  
Kyalo Mwaniki  
Zamzam Abdi

A.A. Garane  
M.M. Somane

Our Ref: GAA/106/2015  
Your Ref: TBA

Wednesday, 3 June, 2015

The Office of Director of Public Prosecution  
N.S.S.F. Building  
MOMBASA



Dear Sirs,

RE: COMPLAINT- SALAD AWALE JUMALE

We act for Salad Awale who has instructed us to address you as follows:-

That our client has been accused on a charge of malicious damage to property and was summoned by the OCPD, Changamwe. Our client is the registered owner of the property. Mr. Awale is out on a police bond (attached herewith please find a copy of the receipt) and the matter will be taken to court on Friday the 5<sup>th</sup> day of June, 2015.

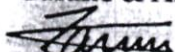
The property in question is in dispute and there are three pending civil cases in court ELC. No. 40 of 2015 and ELC. No. 178 of 2014, one filed by us, the other filed by Bamboo Twist Limited and another by others. This is a clear indication that one party is using the police to frustrate the other, an abuse of your good office. (Enclosed herewith please find copies of court documents for your perusal and record).

The last time the matters were in court, the judge ordered that all the matters be consolidated to expedite the process and is coming up for further mention on 10<sup>th</sup> June, 2015.

We are hereby requesting that your office immediately intervene and stop the abuse against our client.

We hope your office will take the necessary action. We look forward to your prompt response.

Yours faithfully,  
Garane & Associates Advocates

  
Zamzam Abdi

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