

*Approved for tabling.*  
*Bhatnagar*  
*3/12/14*

REPUBLIC OF KENYA

PARLIAMENT  
OF KENYA  
LIBRARY



KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – SECOND SESSION - 2014

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REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS

ON

COMPENSATION OF EVICTEES OF GALLERIA MALL AND THE  
EXPANSION OF LANGATA ROAD

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*paper laid to  
Chair, Lands  
Committee on  
3/12/14  
Bhatnagar*

CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

DECEMBER, 2014

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- A. The list of the affected land owners their LR. No's and amount due to each person
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## DEPARTMENTAL COMMITTEE ON LANDS

The Departmental Committee on Lands was constituted on 16th May 2013, pursuant to the provisions of Standing Order no. 216 (1) and (5) of the National Assembly. The functions and mandate are outlined in the SO and House Rules.

The Committee oversees the operations of the Ministry of Lands, Housing and Urban Development on the following matters: Land Policy and Physical Planning, Land Transactions, Survey and Mapping, Land Adjudication, Settlement, Land registration, Land Valuation, Administration of community and Public Land, and Land Information and Management System.

## COMMITTEE MEMBERSHIP

The Committee comprises of the following Members:

The Hon. Alex Mwiru, M.P - Chairman	The Hon. George Oner
The Hon. Moses Ole Sakuda, M.P. -Vice Chairman	The Hon. Mathew L. Lempurkel
The Hon. Rev. Mutava Musyimi	The Hon. Shakila Abdallah
The Hon. John Kihagi	The Hon. Dr. Paul Otuoma
The Hon. Francis W. Nderitu	The Hon. Thomas Mwadeghu
The Hon. Eusilah J. Ngeny	The Hon. Ali A. Shariff
The Hon. Raymond K. Moi	The Hon. Francis Njenga
The Hon. Hellen Chepkwony	The Hon. Hezron Awiti Bollo
The Hon. Sarah Korere	The Hon. Benard Bett
The Hon. Benson Mbai	The Hon. Esther Murugi
The Hon. Kanini Kega	The Hon. Oscar Sudi
The Hon. Gideon Mung'aro	The Hon. Onesmus Ngunjiri
The Hon. Suleiman Dori	The Hon. Julius Ndegwa
The Hon. Lawrence Mpuru Aburi	The Hon. Joseph Magwanga
The Hon. Patrick King'ola	

**ACKNOWLEDGEMENT**

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**Mr. Speaker Sir,**

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

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

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

Thank You,

SIGNED ..... 

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

DATE..... 

## **1.0 INTRODUCTION**

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1. During its various sittings, the Committee was seized of the matter having been tabled by the Hon. Esther Murugi, MP who requested the Committee to look into the issue of delayed compensation of evictees of Galleria mall and the expansion of Lang'ata Road.
2. The Committee was informed that the evictees had been evicted to pave way for the expansion of the Road and had vacated their properties but were yet to receive compensation from the government and that this led to most of them losing millions of shillings in terms of forgone returns on opportunity costs forfeited at the expense of the construction and expansion of the Road.
3. The Committee held sittings on 26<sup>th</sup> June 2014, 19<sup>th</sup> August 2014 and 4<sup>th</sup> November 2014 in Parliament to deliberate on the matter and received evidence from the National Land Commission (NLC) and the Kenya Urban Roads Authority (KURA) in an attempt to resolve the stalemate revolving around the compensation.

## **2.0 CONCERNS BY THE EVICTEES**

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4. During its 69<sup>th</sup> Sitting held on 24<sup>th</sup> June 2014, Hon. Esther Murugi, M.P representing the evictees informed the Committee that the rehabilitation and upgrading of Lang'ata Road had affected about 25 residents of Galleria mall whose residential properties had not been occupied since August 2013 due to the compulsory acquisition by KURA, occasioning a loss of revenue and opportunity costs to the owners as the rental income from the said property was between Kshs. 120, 000 p.m and Kshs. 300,000 p.m.
5. The Committee was further informed that the property valuations had been done and agreed to by the NLC, KURA and the land owner's but no compensation has been made.
6. The Committee learnt that the owners were willing to be paid on prorata basis subject to an agreement indicating when the balance would be paid, and a commitment to pay with interest and pay the opportunity cost. Further, that the evictees had already filed a case in court regarding the matter.

## **3.0 EVIDENCE FROM THE NATIONAL LAND COMMISSION (NLC)**

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7. During its 69<sup>th</sup> Sitting held on 24<sup>th</sup> June 2014, Mr. Tom Aziz Chavangi, Chief Executive Officer, National Land Commission (NLC) accompanied by Mr. Solomon Mbuthia, Legal Officer, appeared before the committee and informed the Committee that the NLC had held a meeting with KURA in June 2013 where KURA had informed the NLC that they had the money to compensate the evictees. It is on the basis of that information that the NLC proceeded with the acquisition of the property.
8. The Committee was informed that KURA thereafter made a deposit of Kshs. 267, 245,

350 million in the first quarter being payment for five individuals only but the NLC was unable to process the payments since doing so would be in violation of Article 40 of the Constitution as read together with Section 111 of the land act which provides that payment be prompt, fair, just and to all persons and also because partial payment would open the NLC to legal suits by the other evictees;

9. The Committee was further informed that the NLC together with KURA held a meeting with the Senate Committee on Lands on 17<sup>th</sup> June 2014 where KURA claimed that the Government is losing Kshs. 50 million per day to the Contractor due to the stalemate over the payment of owners in the intersection near Bomas.
10. In the said Senate meeting, the NLC was asked to pay the five evictees whose properties were crucial to the functionality of the interchange first and the rest be paid later. In order to effect the payment, the NLC asked for an undertaking from KURA that they should pay only five people first, to which KURA wrote to the NLC saying they would pay the five persons first and the rest later.
11. The Committee learnt that the valuation report on the entire land was Kshs. 1,037, 813, 089, and the figure was agreed upon by KURA who promised to source for resources to compensate the victims from the Exchequer.
12. The Committee was informed that the NLC is willing and ready to pay the Kshs. 267, 245, 350 million to the five persons provided that KURA avails an agreement with the other 20 evictees indicating that they are willing to wait for their payment.
13. The Committee was further informed that the NLC has not been served with any court orders concerning a suit against them in regard to the matter;
14. In a subsequent meeting held on Tuesday 19<sup>th</sup> August 2014, the National Land Commission Informed the Committee that following the meeting held on 26<sup>th</sup> June 2014, the NLC had held a meeting with the Land owners, KURA and NLC and the following progress had been made:
  - a) The Land owners had agreed that the payment be made on a pro rata basis;
  - b) The five land owners whose properties were critical to the interchange had also accepted payment on pro rata basis;
  - c) A total of 246,581,472 has already been paid to the Land Owners.
  - d) Magnate Ventures were yet to be paid as they had not presented their details to the Commission;
15. The Committee was also informed that the NLC wrote to KURA inviting them for the meetings but KURA only attended one meeting in which Mr. Kiminza, Manager Survey represented KURA. KURA failed to attend the meeting where pro-rated payments were agreed upon.

#### **4.0 EVIDENCE BY THE KENYA URBAN ROADS AUTHORITY (KURA).**

16. During its 69<sup>th</sup> and 78<sup>th</sup> Sittings held on Tuesday, 24<sup>th</sup> June 2014, and Tuesday, 19<sup>th</sup> August, 2014, respectively Eng. J. N Nkadaiyo, Director General KURA, accompanied by Mr. Abdikadir Jatani, Chief Surveyor, Eng. Paul Kamande- Senior Engineer, Engineer John M. Mwatu, General Manager, Kenya Urban Roads Authority (KURA), Mr. Francis M. Kiminza, Manager Survey and Ms. Carolyn Ng'ang'a Manager, legal Affairs appeared before the Committee.
17. The Committee was informed that the Works Contract for the Expansion of Lang'ata Road was awarded in 2011, and the acquisition plans (Lang'ata Road KWS gate-Bomas Section) prepared and submitted to Commissioner of Lands on 27<sup>th</sup> February, 2012 for valuation. The undertaking was communicated to the NLC once the Commission was gazzeted and functional in 2012.
18. The Committee was informed that all the 25 pieces of land are at the Junction but the rationale for paying five vendors first was because their properties were critical to the roads functionality since they lay at the interchange, and the owners had refused to move to allow for the construction until full payment was made.
19. The Committee learnt that KURA had engaged the other 20 land owner's who allowed them to proceed with the construction awaiting payment but there were neither written agreements entered to nor minutes available to that effect.
20. The Committee was further informed that KURA had made provisions of Kshs.450 million in the 2013/14 budget for compensation of the KWS-Bomas Road Project but was allocated a total of Kshs. 2.4 billion for all compensations in the Country and so due to inadequate funds, the Ministry released 267,245,350 million to offset partial compensation for five critical properties located at the Boma's inter-change to enable works to progress. The money was remitted to the NLC but NLC insisted that they would either maintain the money on account until all compensation was remitted or be forced to pay all awardees on pro-rata basis;
21. The Committee was informed that the criteria used to give priority to the critical properties was:
  - a) The locations of the critical properties was critical to the overall functionality of the interchange and the entire road,
  - b) The said parcels of land had structures that were to be demolished. The owners could not allow demolition before receiving compensation. The other affected land owners had allowed KURA possession of site pending payment,
  - c) The delay in possession of the site by the contractor had led to contractual claims leading to cost overruns. The initial completion date was 9<sup>th</sup> May 2013 but had been revised twice. The revised completion date was 7<sup>th</sup> June

2014,  
d) The delay in project delivery had other indirect costs to the road user.

22. The Committee was informed that paying the Ksh.267, 245, 350 million available to the 25 land owner's on a prorata basis would delay the construction at the Junction. The contractor had been instructed to leave the site to avoid incurring further costs by KURA until the land issue was settled, whereby KURA would call back the contractor or engage a new contractor.
23. The Committee was informed that there are no sale agreements under compensation on compulsory acquisitions and currently, compulsory land acquisitions are being done before the contractor goes to the site and efforts have been made to ensure that excised land is captured in the deed plans
24. There are neither written agreements nor minutes between KURA and the Land Owners in regards to the transactions reached when dealing with the projects however there was an understanding on a gentleman basis between the two parties over a cup of tea.

## **5.0 OBSERVATIONS**

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### **The Committee observed THAT:**

1. KURA had erred by entering into verbal agreements with the land owner's in regard to taking up their properties pending payment.
2. Payment should be fair, prompt and just and paying only five people in full would amount to discrimination against the 20 land owner's whose properties had already been taken over by KURA.
3. The valuation of Kshs. 1,037, 813, 089.00 was excessive and an inflated cost in comparison to the initial estimate of Kshs. 450 million leading to mistrust as to whether valuation was done with due diligence.

## **6.0 RECOMMENDATIONS**

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### **The Committee makes the following recommendations, THAT:**

1. Ethics and Anti Corruption Commission investigates the alleged conspiracy for the escalation and inflation of the cost of the Land in question with a view to prosecuting those found to be behind the scheme.
2. The Ethics and Anti Corruption Commission to investigate the Managers in Kenya Urban Roads Authority (KURA) who committed public funds in informal meetings

and casual interactions, with a view to establishing if they are fit to hold public office and instigate measures to ensure that any agreement made by KURA and other parties in future touching on public funds should be in writing.

3. In future, calculations for compensation should be integrated in the road designs to allow for costing and budgeting for the compensations.
4. The National Treasury should consider prioritizing on compensation for land on Compulsory acquisitions while allocating funds to KURA in the supplementary budget.

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DEPARTMENTAL COMMITTEE ON LANDS

DATE: 11/11/14

VENUE: Protection House, 4<sup>th</sup> floor

AGENDA: ADOPTION OF THE REPORT ON COMPENSATION OF EVICTEES OF GALERIA MALL AND THE EXPANSION OF LANGATA ROAD

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)		
2.	The Hon. Moses Ole Sakuda, M.P. (Vice Chairperson) (Chairing)	V/Chairman	
3.	The Hon. Onesmas Ngunjiri, M.P.	M-	
4.	The Hon. Mutava Musyimi, M.P.		
5.	The Hon. John Kihagi, M.P.	Member	
6.	The Hon. Francis W. Nderitu, M.P.	Member	
7.	The Hon. Francis Njenga, M.P.		
8.	The Hon. A. Shariff, M.P.	member	
9.	The Hon. Eusilah Jepkosgei, M.P.		
10.	The Hon. Benard Bett, M.P.	member	
11.	The Hon. Kipruto Moi, M.P.	Member	
12.	The Hon. Oscar Sudi, M.P.		
13.	The Hon. Hellen Chepkwony, M.P.	Member	
14.	The Hon. Sarah Korere, M.P.		
15.	The Hon. Julius Ndegwa, M.P.	Member	
16.	The Hon. Benson Mbai, M.P.	Member	
17.	The Hon. Kanini Kega, M.P.		
18.	The Hon. Esther Murugi, M.P.	member	
19.	The Hon. Gideon M. Mung'aro, M.P.		
20.	The Hon. Hezron Awiti Bollo, M.P.		
21.	The Hon. Suleiman Dori Ramadhani, M.P.	"	
22.	The Hon. George Oner Ogalo, M.P.		
23.	The Hon. Lekidime Lempurkel Mathew, M.P.		
24.	The Hon. Shakila Abdallah, M.P.		
25.	The Hon. Paul Otuoma, M.P.	M	
26.	The Hon. Thomas Mwadeghu, M.P.	Member	
27.	The Hon. Magwanga Joseph Oyugi, M.P.	member	
28.	The Hon. Aburi Lawrence Mpuru, M.P.		
29.	The Hon. King'ola Patrick Makau, M.P.		

**MINUTES OF THE NINETY SEVENTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 4<sup>TH</sup> NOVEMBER 2014, AT THE 4TH FLOOR BOARD ROOM, PROTECTION HOUSE AT 10.00 A.M**

**PRESENT:**

1. The Hon. Moses Ole Sakuda, M.P. - Chairing
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Francis W. Nderitu, M.P.
4. The Hon. Onesmus Ngunjiri, M.P.
5. The Hon. Francis Kigo Njenga, M.P.
6. The Hon. Hellen Chepkwony, M.P.
7. The Hon. Joseph Oyugi Magwanga, M.P.
8. The Hon. Bernard Bett, M.P.
9. The Hon. Kipruto Moi, M.P.
10. The Hon. Patrick Makau, M.P.
11. The Hon. John Kihagi, M.P.
12. The Hon. Benson Mbai, M.P.
13. The Hon. Julius Ndegwa, M.P.
14. The Hon. Suleiman Dori, M.P.
15. The Hon. Thomas Mwadeghu, M.P.
16. The Hon. Eusilah Ngeny, M.P.
17. The Hon. A. Shariff, M.P.
18. The Hon. Dr. Paul Otuoma, M.P.
19. The Hon. Esther Murugi, M.P.

**APOLOGIES**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Kanini Kega, M.P.
3. The Hon. Gideon Mung'aro, M.P.
4. The Hon. Mpuru Aburi, M.P.
5. The Hon. Sarah Korere, M.P.
6. The Hon. George Oner, M.P.
7. The Hon. Hezron Awiti Bollo, M.P.
8. The Hon. Mathew L. Lempurkel, M.P.
9. The Hon. Shakila Abdallah, M.P.

**ABSENT**

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

**KENYA NATIONAL ASSEMBLY**

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

**MINUTE NO. DCK/LN/2014/239**

**PRELIMINARIES**

The Chairman called the meeting to order at 10.20 a. m with a word of prayer.

**MINUTE NO. DCK/LN/2014/240**

**ADOPTION OF THE AGENDA**

The agenda was adopted after being proposed by the Hon. Esther Murugi, M.P and seconded by the Hon. Bernard Bett, M.P.

**MINUTE NO. DCK/LN/2014/241**

**CONFIRMATION OF MINUTES**

The minutes of the 93<sup>rd</sup> sitting held on Thursday 23<sup>rd</sup> October 2014 were proposed by Hon. Francis Nderitu, M.P and seconded by the Hon. Onesmus Ngunjiri, M.P as a true record of the

proceedings and signed by the Chairman.

MINUTE NO. DCK/LN/2014/242      MATTERS ARISING

1. Vide MINUTE NO. DCK/LN/2014/225(i) Auction of Land in Kajiado West Constituency

Members were informed that the date of the planned Auction of public land in Kajiado West Constituency was 27<sup>th</sup> November 2013.

MINUTE NO. DCK/LN/2014/243      SUBMISSIONS FROM THE CABINET SECRETARY FOR LANDS, HOUSING AND URBAN DEVELOPMENT

Members were informed that the Cabinet Secretary had not confirmed her attendance in the days meeting despite various attempts by the Secretariat to contact her office on Monday 10<sup>th</sup> November to confirm attendance.

Members noted that the Committee had not received a formal Communication from the Cabinet informing the committee that she would not attend the sitting. Members further expressed their displeasure with the failure of the Cabinet Secretary to appear before the committee even on matters which she had prior Committed herself to. Members observed that the actions of the Cabinet Secretary in snubbing Committee invitations were rendering the Committee impotent and unable to fully perform its oversight function

Members also noted that the Committee leadership had failed to provide leadership to the Committee noting that the Committee had not achieved much in the one and a half years of its existence.

The Committee resolved to hold a press briefing at 1.00 p.m to address the issue of the Cabinet Secretary snubbing Committee invitation and exonerate itself.

The Committee further resolved to hold an in house meeting to deliberate on the Committee's leadership and look for a way forward.

MINUTE NO. DCK/LN/2014/244      ADOPTION OF THE REPORT ON COMPENSATION OF EVICTEES OF GALLERIA MALL AND THE EXPANSION OF LANG'ATA ROAD

The Report was adopted after being proposed by the Hon. Bernard Bett, M.P and Seconded by the Hon. Hellen Chepkwony, M.P with the following amendments:

**The Committee observed THAT:**

1. KURA had erred by entering into verbal agreements with the land owner's in regard to taking up their properties pending payment.
2. Payment should be fair, prompt and just and paying only five people in full would amount to discrimination against the 20 land owner's whose properties had already been taken over by KURA.
3. The valuation of Kshs. 1,037, 813, 089.00 was excessive and an inflated cost in comparison to the initial estimate of Kshs. 450 million leading to mistrust as to whether valuation was done with due diligence. (Valuation attached)

**The Committee makes the following recommendations, THAT:**

1. The Ministry of the Interior through the Criminal Investigation Department and the Ethics and Anti Corruption Commission investigates the alleged conspiracy for the escalation and inflation of the cost of the Land in question with a view to prosecute those found to be behind the scheme.
2. The Ethics and Anti Corruption Commission to investigate the Managers in Kenya Urban Roads Authority (KURA) who committed public funds in informal meetings and casual interactions, with a view to establishing if they are fit to hold public office and instigate measures to ensure that any agreement made by KURA and other parties in future touching on public funds should be in writing.
3. In future, calculations for compensation should be integrated in the road designs to allow for costing and budgeting for the compensations.
4. The National Treasury should consider prioritizing on compensation for land on Compulsory acquisitions while allocating funds to KURA in the supplementary budget.

**MINUTE NO. DCK/LN/2014/245      ADOPTION OF THE REPORT ON THE DEGAZZETMENT OF LAND BELONGING TO CHORLIM COOPERATIVE SOCIETY**

The Report was adopted after being proposed by the Hon. Thomas Mwadeghu, M.P and Seconded by the Hon. Francis Nderitu, M.P with the following amendments:

**The Committee makes the following observations THAT:**

1. No documentation showing ownership of the Land can be produced by the Government Forest Department.
2. The coordinates of the land as observed from the Global Positioning System equipment showed that the area in question is outside the Forest Land.
3. The Forest department in the area were acting with impunity and harassing the people in the area.
4. The gazzement of the area as forest land was influenced by political reasons.
5. The inhabitants of the area had paid the Government some money and issued with allotment letters.

**The Committee makes the following recommendations. THAT:**

1. The government through the Ministry of Lands, Housing and Urban Development should formalize the allocation of the land to the shareholders of the Cooperative Society and a directive issued to the forest department to forthwith cease harassing the people and to vacate the land.
2. The government through the Ministry of Lands, Housing and urban Development with the relevant agencies should institute investigations with a view of establishing the status and ownership and subsequently resettling and/or compensating the people evicted from the land.

**MINUTE NO. DCK/LN/2014/246      ADOPTION OF THE REPORT ON LAND ISSUES IN TAITA/TAVETA COUNTY**

The Report was adopted after being proposed by the Hon. Joseph Magwanga, M.P and Seconded by the Hon. Esther Murugi, M.P with the following amendments:

**The Committee Made the Following Observations in Taita Taveta County, THAT:**

1. The boundary had been tampered with.
2. Damages had been caused by the management of Teita Sisal Estate in 1991 at Majengo where food crop were ploughed down without NOTICE when there was no court case and obstructing Community developments leading to the grabbing of land by the Sisal Estate.
3. Sisal Police Patrol is used by the Sisal Estate management as a private security institution to intimidate innocent people of Singila Majengo

**The Committee made the following observation in Taveta Sub-County, THAT:**

1. There are activities by land officers in Taveta Sub County and the beneficiaries to the scheme that needed to be stopped forthwith to pave way for thorough investigation and audit by the National Land Commission and other relevant bodies.

**The Committee makes the following recommendations. THAT:**

The Committee recommends as follows, THAT;

**A. GENERAL RECOMMENDATIONS**

1. The Ministry of Lands, Housing and Urban Development and the National Land Commission should bring proposals for legislation to ensure that investments in property benefits local community and their economy as provided for in Article 66(2) the Constitution.
2. The National Cohesion and Integration Commission should intervene for the purpose of averting possible land based ethnic clashes in the County.
3. The National Commission on Human Rights should intervene to ascertain the outright and blatant breach of the Bill of Rights (chapter four of the constitution).
4. The Constitution Implementation Commission intervenes to ensure that the entire process is constitutional, and that all respective Government Institutions and State agencies undertake their respective responsibilities accordingly.
5. The National Land Commission to initiate an inquiry into land historical injustices in Taita/Taveta County and seek redress as provided by the law.
6. Title deed and Deed Plans be reviewed in the entire county and Land lease reviewed to establish whether its terms have expired or not, and if it was renewed without legal procedures followed, be revoked and the land be given back to the community.

**B. IN TEITA SISAL ESTATE**

1. The Ministry of Interior and Coordination of Government should with immediate effect remove all illegal Road blocks on public roads and allow members of the local community access to public roads without conditions in Teita Sisal Estate and its neighborhood.
2. The Ministry of Lands, Housing and Urban Development through the Director of survey should carry out a survey with a view to ascertain the boundaries as per the records of 1992 from the Survey of Kenya, so as to separate the 33,000 acres that belongs to Teita Sisal Estate (LR Nos. LR 3380/5 (3880/4/R), LR 11378, LR 6924 and LR 9487(Dam) with a total acreage

of 33,284 acres), and the neighboring trust lands, so that the rest is given back to the community.

3. The Government through the Ministry of Land Housing and Urban Development and the National Lands Commission should determine if there is any encroachment on the road, airstrip, sanctuary, trust land around Tasha Hill and railway reserves by Teita Sisal Estate Limited.
4. Teita Sisal Estate Limited should compensate the neighboring indigenous citizens for economic, socio-cultural, other losses and damages for all their years of illegal occupation and the exploitation of the resources of the areas occupied illegally if any.
5. Damages caused by the management of Teita Sisal Estate in 1991 in Majengo when food crops were ploughed down without NOTICE when there was no court case and obstructing Community developments should be fully compensated.

#### **C. IN MWATATE**

1. The National Land Commission, Ministry of Lands, Housing and Urban Development and other stakeholders should fulfill their legal mandate of identification of beneficiaries and administration in settlement programs in Taita Taveta, Coast and other parts of the Country urgently. This will facilitate the long awaited access to land ownership and management by residents of Mwatate (Singila Majengo), Taveta and other parts of the country (Section 134 of the Land Act).
2. The Mwatate settlement scheme settlers should be given title deeds.
3. The Government through the Ministry of Transport and Infrastructure should establish why the public feeder road that links the Voi - Mwatate road with the Voi - Mwatate - Taveta - Moshi Railway Line (1911) near Mwatunge entrance gate have been blocked and measures put in place to re-open the roads and railways.

#### **D. IN TAVETA**

1. Kenya Ethics and Anti Corruption Commission should institute investigation against Settlement Fund Trust (SFT), the Taveta Land's Office and the entire land allocation committee, for the purpose of unearthing corruption and fraud committed during issuance of title deeds.
2. The National Land Commission initiates an audit for the list of beneficiaries and the entire process leading to land allocation in the contentious Taveta Settlement Scheme.
3. The Commission of Administrative Justice (Ombudsman) should investigate and take action against public officers (Taveta Land's Office, the CDF office, the Provincial Administration and their collaborators involved in the distribution and allocation of the Taveta Settlement Scheme Phase I and II.

#### **MINUTE NO. DCK/LN/2014/247      ADOPTION OF THE REPORT ON LAND ADJUDICATION ISSUES IN MERU AND THARAKA NITHI COUNTIES**

The Report was adopted after being proposed by the Hon. John Kihagi, M.P and Seconded by the Hon. , M.P with the following amendments:

**The committee observed in Tharaka Nithi County that:-**

1. The historical background of Tharaka people settlement in Kwang'ombe/Kiburine dates as early as 1960 according to the boundaries of 1954 imposed by colonial Government which have never been changed in other parts of Kenya, but were changed in Tharaka.
2. There is insecurity in Murinda due to historical land injustices hence there is no peace and further residents have been denied title deeds in Murinda sub-location, Gakurungu Location, Chiaaringa Wards, Tharaka sub-country, Tharaka- Nithi County.
3. The Ogongo Taskforce Report Gazette Notice NO. 6064 of 11412 – 2008 was not implemented in its full content by the Government
4. Over 3,500 Tharaka families are displaced and primary schools destroyed during clashes of 1997 between Igembe and Kamba against Tharaka people, the Primary Schools include;
  - i. Karimba Primary School Code Number 84-069-03-023
  - ii. Kabangua Primary School Code Number 84-069-03-021
  - iii. Mpunguru Primary School Code Number 84-069-03-024
  - iv. Machabini Primary School Code Number 84-069-03-022
  - v. Kanjoro Primary School Code Number 84-069-03-027
  - vi. Riamiku Primary School Code Number 84-069-03-025
  - vii. Kiumbe Primary School Code Number 84-069-03-026
5. There is insecurity and lack of cohesion among the population living along the borders of Tharaka Nithi and Meru.
6. There are visible signs of historical injustices imbedded on the Tharaka Community.
7. There are IDPS still living in KINDANI as a result of the 1997 clashes.

**The Committee Observed in Meru Town that:-**

1. There are squatters living in slums in Meru town in such villages as Mjini, Majengo and Salama.
2. Residents of villages in Meru town have not been issued with title deeds despite having paid for them and being in possession of allotment letters.

**The Committee Recommends That:-**

- 1) The National Land Commission and the Ministry of Lands, Housing and Urban Development to form joint peace and land committees with a view to maintaining and sustaining peace and cohesion along the bordering sub-counties of Tharaka Nithi and Meru.
- 2) The National Land Commission to include Tharaka Nithi and Meru in their inquiry into land historical injustices and seek redress as provided by the law.
- 3) The National and County Government, Church leaders and the Ministry of Lands, Housing and Urban Development be fully involved in the process of resettlement and peace keeping once historical land injustices are addressed.
- 4) The security personnel at Gatithini Chief's Camp, Tharaka should enforce joint patrol across Ura River together with security personnel at Kianda in Meru North/Igembe to give people confidence in the government so as to restore the status quo prior to 1997

evictions and curfew imposition.

- 5) The County Administration, the National Government representatives and security agencies should form a joint peace initiative committee to include the Tharaka, Igembe and Kamba people for resettlement and peace keeping in the area.
- 6) The Ministry of Lands, Housing and Urban Development should implement the recommendations of the Zachary Ogongo task force which directed that land on the common border be adjudicated.
- 7) That Parliament should allocate resources to the relevant Ministry and compel the Ministry of Education, Science and technology to reconstruct the destroyed and closed schools in Tharaka County namely;
  - a. Karimba Primary School Code Number 84-069-03-023
  - b. Kabangua Primary School Code Number 84-069-03-021
  - c. Mpunguru Primary School Code Number 84-069-03-024
  - d. Machabini Primary School Code Number 84-069-03-022
  - e. Kanjoro Primary School Code Number 84-069-03-027
  - f. Riamwanki Primary School Code Number 84-069-03-025
  - g. Kiumbe Primary School Code Number 84-069-03-026

**The Committee Recommends In Meru County That:-**

The Ministry of Lands, Housing and Urban Development should issue title deeds to residents of the villages of Mjini, Salama, Shauri Yako slums and Majengo in Meru town .

**MINUTE NO. DCK/LN/2014/248 ANY OTHER BUSINESS.**

**a. Foreign Visits**

The Committee was informed that foreign visits have been rescheduled for the beginning of next year when the House resumes from long recess.

**b. Galeria Mall Evictees**

The Committee was informed that most tenants of Galeria mall have moved out after a fence that had been put up collapsed making the area insecure.

The committee was further informed that the balance of compensation to the evictees is still outstanding.

**c. Lamu Report**

Members were informed that the Report of the National land Commission on the Lamu Land has been released.

It was resolved that the report be availed to the members.

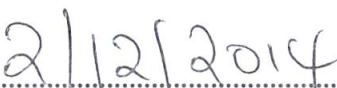
**MINUTE NO. DCK/LN/2014/249 ADJOURNMENT & DATE OF THE NEXT SITTING**

And the time being fifty four minutes past eleven O'clock, the Chairperson adjourned the Sitting to Thursday 13<sup>th</sup> November at 10.00 a. m

SIGNED

  
.....  
(CHAIRPERSON)

DATE

  
.....

MINUTES OF THE SEVENTY EIGHTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 19<sup>TH</sup> AUGUST 2014, AT THE SMALL DINIG ROOM, MAIN PARLIAMENT BUILDINGS AT 9.30 A.M.

PRESENT:

- |  |   |                  |
|--|---|------------------|
| 1. The Hon. Alex Mwiru, M.P.             | - | Chairperson      |
| 2. The Hon. Moses Ole Sakuda, M.P.       | - | Vice Chairperson |
| 3. The Hon. Onesmus 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. Benson Mbai, M.P.            |   |                  |
| 8. The Hon. Eusilah Ngeny, M.P.          |   |                  |
| 9. The Hon. Bernard Bett, M.P.           |   |                  |
| 10. The Hon. Kipruto Moi, M.P.           |   |                  |
| 11. The Hon. Sarah Korere, M.P.          |   |                  |
| 12. The Hon. Hellen Chepkwony, M.P.      |   |                  |
| 13. The Hon. Esther Murugi, M.P.         |   |                  |
| 14. The Hon. Gideon Mung'aro, M.P.       |   |                  |
| 15. The Hon. Suleiman Dori, M.P.         |   |                  |
| 16. The Hon. Dr. Paul Otuoma, M.P.       |   |                  |
| 17. The Hon. Joseph Oyugi Magwanga, M.P. |   |                  |
| 18. The Hon. Mpuru Aburi, M.P.           |   |                  |
| 19. The Hon. Patrick Makau, M.P.         |   |                  |

ABSENT WITH APOLOGY

1. The Hon. Francis Kigo Njenga, M.P.
2. The Hon. George Oner, M.P.
3. The Hon. A. Shariff, M.P.
4. The Hon. Hezron Awiti Bollo, M.P.
5. The Hon. Julius Ndegwa, M.P.
6. The Hon. Kanini Kega, M.P.
7. The Hon. Mathew L. Lempurkel, M.P.90
8. The Hon. Thomas Mwadeghu, M.P.
9. The Hon. Shakila Abdallah, M.P.

ABSENT WITHOUT APOLOGY

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

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

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

MINUTE NO. DCL/LN/2014/154

PRELIMINARIES

The Chairman called the meeting to order at 9.47 a.m with a word of prayer.

MINUTE NO. DCL/LN/2014/155

EVIDENCE REGARDING A PETITION

Mr. Anthony David Mureithi, District Land Adjudication Officer, Narok South, Mr. Audrey G. Kibebe, District Surveyor, Narok and Mr. Nicco Nzuki Mutiso, District Land Registrar, Narok appeared before the Committee to give evidence on the petition regarding the recognition of Titles and removal of caveats on selected properties in Narok.

The Committee noted the Land officials before the committee and resolved that the following information and documents be deposited with the Secretariat:

1. Documents showing the total acreage of the Enkaroni, Enakishomi and Sisian group ranches;
2. Report of the government taskforce on the conservation of the Mau Complex;
3. Report of the Ministerial taskforce on the encroachment of Maasai Mau Forest;
4. Maps of the boundaries as determined by the Ministry of Lands, Housing and Urban Development for the ranches before and after the subdivision;
5. Map showing the Mau Complex;
6. Copies of Correspondences from the from the Ministry of Lands that authorized the imposition of the caveats on the Mau forest Complex;
7. Report based on the submissions from the witnesses to the Committee during the meeting held in Narok on August 8<sup>th</sup> 2014

MINUTE NO. DCL/LN/2014/156

SUBMISSIONS FROM KENYA URBAN ROADS  
AUTHORITY (KURA)

Eng. J.N Nkadaiyo, Director General KURA, accompanied by Mr. Abdikadir Jatani, Chief Surveyor, Eng. Paul Kamande, Senior Engineer, Ms. Carolyn Ng'ang'a, Manager Legal and Eng. John M. Mwatu, General Manager appeared before the Committee and gave evidence on compensation of evictees of Galeria mall and compulsory acquisition of land on Langata road.

The Committee was informed that:

1. The acquisition plans for Lang'ata Road (KWS gate-Bomas Section) were prepared and submitted to Commissioner of Lands on 27<sup>th</sup> February, 2012 for valuation;
2. The National Land Commission (NLC) carried out the valuations and the awards totaling to 1,037,813,089 was communicated to KURA on 13<sup>th</sup> November 2013;
3. KURA had made provisions of Kshs.450 million in the 2013/14 budget for compensation of the KWS-Bomas Road Project;
4. Due to inadequate funds the Ministry released Ksh. 267,245,350 to offset partial compensation for critical properties located at the Bomas to enable works to progress;
5. The money was remitted to the NLC. The NLC however insisted that they would either maintain the money on account until all compensation is remitted or be forced to pay all awardees on pro rata basis;
6. There are no sale agreements under compensation on compulsory acquisitions;
7. The criteria to give priority to the critical properties were:
  - a) The locations of the critical properties are critical to the overall functionality of the interchange and the entire road
  - b) The said parcels of land had structures that were to be demolished. The owners could not allow Demolition before receiving compensation. The other affected land owners had allowed KURA possession of site pending payment.
  - c) The delay in possession of the site by the contractor has led to contractual claims leading to cost overruns. The initial completion date was 9<sup>th</sup> May 2013 but has been revised twice. The revised completion date is 7<sup>th</sup> June 2014.
  - d) The delay in project delivery has indirect costs to the road user

8. The other sections of the Road are already in use;
9. KURA requests the NLC to release the funds already forwarded to the specific awarded to avoid attracting further interest.

**The Committee Observed:**

1. That evaluations for Compensation should be integrated in the road designs to allow for costing and budgeting for the compensations;
2. That Treasury should prioritize on compensation for land on Compulsory acquisitions while allocating funds to KURA in the financial Budgets.

MINUTE NO. DCL/LN/2014/157

SUBMISSIONS FROM THE NATIONAL LAND COMMISSION (NLC)

Mr. Tom Aziz Chavangi, Chief Executive Officer NLC, accompanied by Salome Munubi, Director Valuations and Mr. Solomon Mbuthia, Legal Affairs appeared before the Committee and gave evidence on gave evidence on:

1. Compensation of evictees of Galeria mall and compulsory acquisition of land on Lang'ata road.

The Committee was informed that following the meeting held on 26<sup>th</sup> June 2014 between the Committee, NLC and KURA whereby the Committee directed that a tripartite meeting be held between the Land owners, KURA and NLC the following progress has been achieved:

1. The NLC held meetings with the Land owners and it was agreed that the payment be made on pro rata basis;
2. The five land owners whose properties are critical to the interchange have also accepted payment on pro rata basis;
3. A total of 246,581,472 has already been paid;
4. Magnate Ventures are yet to be paid as they have not presented their details to the Commission;
5. NLC wrote to KURA inviting them for the meetings but KURA only attended one meeting in Which Mr. Kiminza, Manager Survey represented KURA.KURA failed to attend the meeting where pro-rated payments were agreed upon.

**The Committee Resolved that:**

NLC presents to KURA and the Committee proof of payment to the land owners and the acceptance of awards signed by the 25 land owners

2. Petition for the recognition of titles and removal of caveats on Titles on selected properties in Narok and petition for the resettlement of Enoosupukia Evictees.

The Committee resolved that NLC presents a write up on the petitions to the secretariat.

3. Revocation of 500,000 title deeds in LAMU

The Committee was informed that:

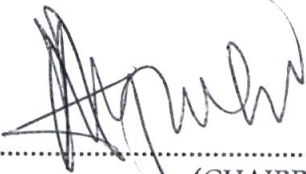
1. The NLC has already instituted investigations in to the matter with a view of establishing whether the property was acquired irregularly and if not, chances of regularizing or revoking the titles in the alternative.
2. Ten out of the 22 files of the owners of the land in question were received by the NLC from the Solicitor general two weeks ago. The remaining two files have since been received on 18<sup>th</sup> August 2014;
3. The NLC has received three responses to the public notice put in the newspapers and several memoranda's have also been received from the public on the matter;

4. Public hearings on the matter begin on 21<sup>st</sup> August at the KICC;
5. The NLC is conducting an audit of the land and will brief the Committee accordingly once its concluded.
6. Lamu leaders are privy to discussions held by the NLC on the issues concerning the Land.

MINUTE NO. DCL/LN/2014/158 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being Twenty three Minutes past eleven O'clock, the Chairperson adjourned the Sitting until Thursday 21<sup>st</sup> August 2014 at 9.00 am at the Small Dining, Main Parliament Buildings.

SIGNED

  
.....  
(CHAIRPERSON)

DATE

21/8/2014  
.....

**MINUTES OF THE SIXTY NINTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY, 26<sup>TH</sup> JUNE 2014, IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS AT 10.00 A.M.**

**PRESENT:**

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

**ABSENT WITH APOLOGY**

1. The Hon. A. Shariff, M.P.
2. The Hon. Benson Mbai, M.P.
3. The Hon. Gideon Mung'aro, M.P.
4. The Hon. Hezron Awiti Bollo, M.P.
5. The Hon. Julius Ndegwa, M.P.
6. The Hon. Sarah Korere, M.P.
7. The Hon. George Oner, M.P.
8. The Hon. Shakila Abdallah, M.P.

**ABSENT WITHOUT APOLOGY**

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Oscar Sudi, M.P.

**IN ATTENDANCE**

**KENYA NATIONAL ASSEMBLY**

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

**MINUTE NO. DCL/LN/2014/93**

**PRELIMINARIES**

The Chairman called the meeting to order at 10.20 a.m with a word of prayer.

MINUTE NO. DCL/LN/2014/94

ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by the Hon. Joseph Magwanga, M.P and seconded by the Hon. Esther Murugi, M.P.

MINUTE NO. DCL/LN/2014/95

BRIEFING FROM HON. ESTHER MURUGI ON  
COMPENSATION OF EVICTEES OF GALERIA MALL AND  
THE EXPANSION OF LANGATA ROAD.

The Committee was informed THAT:

1. The rehabilitation and upgrading of Lang'ata Road has affected about 25 residents of Galeria mall whose residential properties have not been occupied since August 2013 due to the compulsory acquisition by KURA, occasioning loss of revenue and opportunity costs to the owners.
2. The rental income from the said property is between Ksh120,000 p.m and Ksh.300,000 p.m
3. Valuations were done for the land acquired for the expansion of the road and results of the valuation report was agreed upon to by the NLC, KURA and the land owners but no compensation has been made to date.
4. The owners are willing to be paid on prorata basis subject to an agreement indicating when the balance will be paid in full and a commitment to pay interest and the opportunity cost.
5. The evictees have already filed a case in court.

MINUTE NO. DCL/LN/2014/96

EVIDENCE

Mr. Tom Aziz Chavangi, Chief Executive Officer, National Land Commission (NLC) accompanied by Mr. Solomon Mbuthia, Legal Officer, and Engineer John M. Mwatu, General Manager, Kenya Urban Roads Authority (KURA) accompanied by Mr. Francis M. Kiminza, Manager and Ms. Carolyn Ng'ang'a Manager, legal Affairs, appeared before the committee and gave evidence on compensation of evictees of Galeria mall and the expansion of Lang'ata Road.

MINUTE NO. DCL/LN/2014/97

EVIDENCE FROM MR. TOM AZIZ CHAVANGI, CHIEF  
EXECUTIVE OFFICER, NATIONAL LAND COMMISSION

The Committee was informed THAT:

1. The NLC held a meeting with KURA in June 2013 where KURA informed the NLC that they had the money to compensate the evictees. The NLC then proceeded with the acquisition of the property.
2. KURA thereafter made a deposit of Kshs. 267, 245, 350 million in the first quarter being payment for five individuals.
3. The NLC could not proceed with the payments since doing so would be in violation of Article 40 of the Constitution as read together with Section 111 of the land act which provides that payment be prompt, fair, just and to all persons and in order to avoid legal suits.
4. The NLC together with KURA held a meeting with the Senate Committee on 17<sup>th</sup> June 2014 where KURA claimed that Kshs. 50 million is being lost per day to the Contractor due to the stalemate. The NLC was asked to pay the five evictees first for public good, and pay the rest later. The NLC asked for an undertaking from KURA that they should pay only five people first, to which KURA wrote to the NLC saying they would pay the five persons first and the rest later.

5. The valuation report the entire land was Kshs. 1,037, 813, 089 and the figure was agreed upon by KURA who promised to source for resources to compensate the victims.
6. The NLC is willing and ready to pay the Kshs. 267, 245, 350 million to the five persons provided that KURA avails an agreement with the other 20 indicating that they are willing to wait for the resources/ monies.
7. The NLC has not been served with any court orders concerning a suit against them in regard to the matter.

MINUTE NO. DCL/LN/2014/98

EVIDENCE FROM ENGINEER JOHN M. MWATU  
GENERAL MANAGER, KENYA URBAN ROADS  
AUTHORITY (KURA)

The Committee was informed THAT:

1. The Works for the Expansion of Lang'ata Road was awarded in 2011.
2. All the 25 pieces of land are in the road however, the rationale for paying five people first is because their properties are critical to the roads functionality since they lie at the interchange and the owners have refused to move until full payment is made.
3. KURA engaged informally with the other 20 land owners who have allowed them to proceed with the construction awaiting.
4. The Budgetary Allocation for KURA for the land in question was Kshs. 450 millions but the valuation done by NLC consultants and government valuers on the land in November 2013 was Kshs. 1,037,813,089; KURA was allocated Kshs. 2.4 billion that FY 2013/14 of which Kshs. 267, 245, 350 million, based on the valuation, was allocated for payment to the five land owners. The money was forwarded to the NLC but the NLC could not pay until they received the full amount for all the affected land owners.
5. Paying the Ksh.267, 245, 350 million available to the 25 land owners on a prorata basis will delay the construction at the Junction since the 5 individuals whose land lie in the interchange will not accept to move.
6. The Contractor has already been instructed to leave the site to avoid incurring further costs by KURA until the land issue is settled.
7. Currently, land acquisitions are being done before the contractor goes on site and effort have been made to ensure that excised land is captured in the deed plans.

Resolution

The Committee resolved THAT:

1. The NLC, KURA and the Land owners should meet within 21 days and the outcome of the meeting be communicated to the Committee during its sitting to be held on 24<sup>th</sup> July 2014
2. Any agreement by KURA and other parties touching on public funds in future be made in writing;
3. The following information be availed to the Committee by Monday 30<sup>th</sup> June 2014 by the NLC and KURA:
  - a) Any available minutes of meetings held between KURA and the land owners;
  - b) Any minutes of the meeting held between the NLC and KURA showing the KURA informed NLC that money was available to pay all affected persons;
  - c) Letters from KURA to NLC asking that the 5 individuals be paid and the remaining 20 be paid in due course when monies are available.

- d) The list of the affected land owners, their LR. No's and amount due to each Individual
- e) The valuation report for the parcels of land acquired.

**MINUTE NO. DCL/LN/2014/99      A.O.B**

The following matter arose:

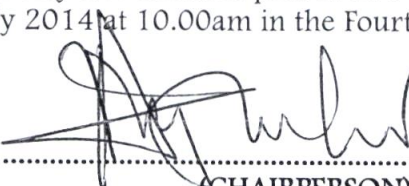
**1. Submission of Details of owners of parcels of land at City Park**

The Committee resolved that the information be provided on Saturday 5<sup>th</sup> ~~June~~<sup>July</sup> 2014 when the Committee and NLC meet at the workshop to be held in Mombasa from 4<sup>th</sup>-6<sup>th</sup> July 2014.

**MINUTE NO. DCL/LN/2014/100 ADJOURNMENT & DATE OF THE NEXT SITTING**

And the time being Forty two Minutes past twelve O'clock, the Chairperson adjourned the Sitting until Tuesday 1<sup>st</sup> July 2014 at 10.00am in the Fourth Floor Board Room, Protection House.

SIGNED

  
.....  
(CHAIRPERSON)

DATE

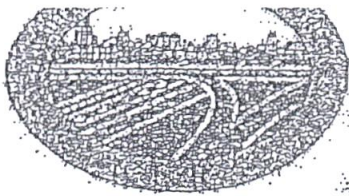
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11/7/2014

Date LANG'ATA ROAD

Date of Gazette Notice

Date of Inquiry 24<sup>th</sup> September, 2013Date of Valuation 8<sup>th</sup> October, 2013

No.	Plot L.R.NO. (a)	Land Size Acquired (c)	Payee (d)	Award (f)	Remarks
1.	9925	0.0991 Ha	Libya Oil Kenya Ltd	122,247,300	
2.	9925	0.0991 Ha	INNSCOR	15,557,853	Tenant
3.	9925	0.0991 Ha	Cross Point Asset Managers	12,962,492	Oil and fuel dealer
4.	2248/6	0.8370 Ha	Norkan Investment Ltd	251,990,064	
5.	2248/6	0.8307 Ha	Magnate Ventures (Billboard)	3,804,200	Billboard upon the land
6.	12144/124	0.1140 Ha	Naran V. Arjan	78,051,112	
7.	12144/123	0.0875 Ha	Naran V. Arjan	75,908,152	
8.	12144/122	0.2072 Ha	Mbandu Stores & Hardware	100,608,610	
9.	12144/125	0.0435 Ha	Solomon Muiga Muchiri	20,101,729	
10.	12144/128	0.0435 Ha	Pewin Motors	11,863,500	Tenant
11.	12144/126	0.0462 Ha	A. Gichuru, Ann Njogu & Agnes Mbugua & NIC Bank	26,961,140	
12.	12144/126	0.0462 Ha	Generations Salon & Barber	745,200	Tenant
13.	12144/126	0.0462 Ha	MSN Communications	745,200	Tenant
14.	12144/126	0.0462 Ha	Mahammedi Glass & Mirrors	745,200	Tenant
15.	12144/126	0.0462 Ha	Innova Enterprises	532,000	Tenant
16.	12144/126	0.0462 Ha	Hily Maus Enterprises	745,200	Tenant
17.	12144/126	0.0462 Ha	ENG Kenya Limited	1,918,600	Billboard upon the land
18.	12144/127	0.0499 Ha	Hezron Mogaka Osano	16,116,362	
19.	12144/128	0.0958 Ha	Seventh Day Adventist Church (EA) Ltd	26,772,225	
20.	10488	0.2635 Ha	Sammy G. Mwangi, Cecilia H. Mwangi	77,093,150	
21.	10488	0.2635 Ha	LIVE AD Ltd	3,804,200	Billboard upon the land
22.	27626 (Orig 10485)	0.2439 Ha		85,000,000	
23.	27626 (Orig 10485)	0.2439 Ha	Francis T. Nyammo House No. 7	85,000,000	
24.	27626 (Orig 10485)	0.2439 Ha	Forest Edge Management Ltd	16,350,000	Management Company
25.	12066	0.8055 Ha	Magnate Ventures Ltd	2,189,600	Billboard upon the land
26.	<b>TOTAL</b>			<b>1,037,813,089/=</b>	



Efficient and safe urban roads

TKM PLACE, Bishops Road, Tel: 254-020-8013844  
Email: info@kura.go.ke Web: www.kura.go.ke  
P.O. Box 4127-00100, CPO, NAIROBI

Ref. KURA/FIN/7/4/ Vol. VIII / (55)

Date: 1<sup>st</sup> April, 2014

Dr. Muhammad A. Swazuri, PhD, OGW,  
Chairman, National Land Commission  
Ardhi House,  
P.O. BOX 44417,  
NAIROBI.

Dear Sir,

RE: REHABILITATION AND UPGRADING OF LANG'ATA ROAD (KWS GATE-BOMAS SECTION)

Your letter Ref. VAL/1428/11 of 13<sup>th</sup> November, 2013 on the above captioned subject refers.

The Authority received Kshs. 267,247,350.00 (Two Hundred and Sixty Seven Million Two Hundred and Forty Seven Thousand Three Hundred and Fifty Shillings Only) for partial land compensation in respect of properties as listed below as per Kenya Roads Board's letter Ref. KRB/F/37/00/A/VOL. IV(167)

S/No	LR. Number	Land Acquired (Ha)	Payee	Amount
1.	10488	0.2635	Sammy G. Mwangi Cecilia H. Mwangi	77,093,150.00
2.	10488	0.2635	LIVE AD Ltd	3,804,200.00
3.	27626 (Original 10485)	0.2439		85,000,000.00
4.	27626 (Original 10485)	0.2439	Francis T. Nyamumo	85,000,000.00
5.	27626 (Original 10485)	0.2439	Forest Edge Management Ltd	16,350,000.00
	Total Amount			267,247,350.00

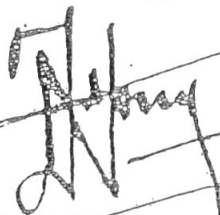
We have since processed and paid Kshs. 267,247,350.00 vide Cheque No. 000686 to the National Land Commission through the account details provided vide your letter Ref. No. VAL/1428/11 of 17<sup>th</sup> March, 2014 as below:-

Bank : National Bank of Kenya  
A/C Name : National Land Commission of Kenya  
A/No : 0132980000  
Branch : Hill Plaza

For ease of reference please find attached herewith other various correspondences relating to the subject matter.

Kindly acknowledge receipt.

Yours faithfully,



Joseph N. Nkadayo, MBS,  
DIRECTOR GENERAL

CC Eng. John K. Mosonik, EBS,  
Principle Secretary (Infrastructure),  
NAIROBI.

Eng. Jacob Z. Ruwa,  
Ag. Executive Director,  
Kenya Roads Board,  
NAIROBI.

Eng. John M. Mwatu, OGW,  
General Manager (D&C),  
Kenya Urban Roads Authority,  
NAIROBI.

Date of Gazette Notice <u>6<sup>th</sup> August 2013</u>		Date of Inquiry <u>24th September 2013</u>		Date of Valuation <u>8th October 2013</u>	
No	Plot L.R. NO.	Land size acquired	Payee	Award (KES)	Remarks
1	9925	0.0991 Ha	Libya Oil Kenya Ltd	122,247,300	
2	9925	0.0991 Ha	INNASCOR	15,557,853	Tenant
3	9925	0.0991 Ha	Cross Point Asset Managers	12,962,492	Oil and fuel dealer
4	2248/6	0.8370 Ha	Norkan Investments Ltd	251,990,064	
5	2248/6	0.8307 Ha	Magnate Ventures (Billboard)	3,804,200	Billboard upon the land
6	12144/124	0.1140 Ha	Naran V. Arjan	78,051,112	
7	12144/123	0.0875 Ha	Naran V. Arjan	75,908,152	
8	12144/122	0.2072 Ha	Mbandu Stores & Hardware	100,608,610	
9	12144/125	0.0435 Ha	Solomon Muiga Muchiri	20,101,729	
10	12144/128	0.0435 Ha	Pewin Motors	11,863,500	Tenant
11	12144/126	0.0462 Ha	A. Gichuru, Ann Njogu & Agnes Mbugua & NIC Bank	26,961,140	
12	12144/126	0.0462 Ha	Generations Salon & Barber	745,200	Tenant
13	12144/126	0.0462 Ha	MSN Communications	745,200	Tenant
14	12144/129	0.0462 ha	Hilltop Junction Motors	745,200	Tenant
15	12144/126	0.0462 Ha	Mohammedi Glass & Mirrors	745,200	Tenant
16	12144/126	0.0462 Ha	Innova Enterprises	532,000	Tenant
17	12144/126	0.0462 Ha	Hily Manj Enterprises	745,200	Tenant
18	12144/126	0.0462 Ha	ENG Kenya Limited	1,918,600	Billboard upon the land
19	12144/127	0.0499 Ha	Hezron Mogaka Osano	16,116,362	
20	12144/128	0.0958 Ha	Seventh Day Adventist Church (EA) Ltd	26,772,225	
21	10488	0.2635 Ha	Sammy G. Mwangi, Cecilia H. Mwangi	77,093,150	

22	10488	0.2635 Ha	LIVE AD Ltd	3,804,200	Billboard upon the land
23	27626 (Orig 10485)	0.2439	Rashid Amin House No. 8	85,000,000	
24	27626 (Orig 10485)	0.2439 Ha	Francis T. Nyammo House No. 7	85,000,000	
25	27626 (Orig 10485)	0.2439 Ha	Forest Edge Management Ltd	16,350,000	Management Company
26	12066	0.8055 Ha	Magnate Ventures Ltd	2,189,600	Billboard upon the land
	Total			1,038,555,289/ =	