



Annex 4

SENATE
Residents of pelican.



Waterside Riverview Estate PLC

P.O Box 102998-GPO 00101

Nairobi, Kenya

Email: riverviewestate.plc@gmail.com

Njathaini Road, off Kiambu Road.

Our ref: RVSC1

1st December, 2021

Your ref: TBA
Chairman,
Senate standing Committee on,
National Security Defence &
Foreign Relation.
NAIROBI.

Dear Chairman,

**RE: LAND REFERENCE NUMBER. 15153: CONCERNS BY
WATERSIDE RIVERVIEW ESTATE RESIDENTS ASSOCIATION**

We write this memorandum regarding the above-mentioned property which has now been subdivided into 116 parcels now transferred to and registered in our clients' names. Two of the parcels are public utilities. The undersigned owns one of the subdivisions and is a member of the above mentioned Residents Association (incorporated as Waterside Riverview Estate Plc), and is the Chairman of the association.

Riverview Estate was developed out of the original consolidated land parcel, L.R. 15153, which was previously a flower firm operated as Valentine Growers Co. Limited. The initial owner, Pelican Engineering & Construction Company Limited, subsequently subdivided L.R. 15153 into more than 116 plots, and appointed Tysons Limited, a property management company, to advertise them for sale at market value. The advertisements were carried in the mainstream press.

J. Kanyo
1/12/21

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We would like to bring to your attention that residents did write to National Land Commission through the firm of Mamicha & Co. Advocates on the 23-10-2013 seeking clarification as to whether the property in issue was clear for sale.

Further communication was held with National Land Commission through calls and in writing by Mamicha Advocates, who acted for some part in the purchase of the subdivision(s).

In a letter dated 7-4-2014, it was indicated to National Land Commission that L.R No. 15153 was listed in the 'Ndungu Report as being an illegal forest excision' and a request was made for our purchasing parties to be advised if the property was clear for sale. We have since realized that the land was not listed in the Ndungu report but a complaint had been filed with the commission.

On 5-6-2014, Mamicha Advocates further wrote to National Land Commission regarding the subject property having noted that vide National Land Commission Daily Nation notice of 14-4-2014, title L.R No. 15153 was not among those listed as under review and on this basis purchasing parties requested for clarifications and clearances to proceed and close various transactions that were pending awaiting National Land Commission word.

The purchasing parties now residents herein received a letter from National Land Commission dated 3-4-2014 written to the Director of Kenya Forest Services and copied to Mamicha Advocates, for our clients then, which letter requested for the Director's opinion on the validity of the excision of Land Reference No. 15153.

On 15-7-2014, National Land Commission wrote to Mamicha Advocates responding to the letter dated 7-4-2014 and enclosing a copy of letter dated 8-5-2014 from the Director of Kenya Forest Services and a copy of the Kenya Gazette dated 21-7-1995 which clearly showed property Land Reference No. 15153 was delineated from the forest as required under the Forest Act, Cap 385 Laws of Kenya.

Of particular note in the letter of 15-7-2014 letter is the conclusion by the National Land Commission that;

shant
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“According to KFS, the land was legally degazetted. The Commission is thus of the view that it was subsequently available for allocation to private individuals.”

On the basis of this clear and unequivocal assurance from National Land Commission, our clients did proceed to conclude various sale agreements and invest heavily in purchasing parcels in the ensuing subdivision. The residents have made, and continue to make, subsequent further significant investments in developing dwelling houses on an owner-occupier basis, as well as putting in place the appropriate developmental infrastructure at great personal cost.

Vide a Notice by National Land Commission (NLC) appearing in the press on 12-6-2018, titled **Enquiries & Investigations on Public Land** National Land Commission listed property number L.R 15153 as reserved for forest use and requested for presentations during hearings touching on the same. The presentation was never done as the NLC said they had no issue with this land.

In this regard, the current happenings, which we are responding to has created great anxiety and concern to us, who relied on the clear and express clarifications from the Kenya Forest Service and the National Lands Commission to conclude that the property was indeed available for allocation to private individuals at the time of purchase of the subdivisions by us.

We therefore seek clarification as to why our properties, bought after the express clearance by the Kenya Forest Service and National Lands Commission, should become the subject of a further hearing.

We trust that the Senate committee will after this hearing put this issue to rest once and for all, and that it will direct all other Government agencies to allow the peaceful enjoyment of our above-mentioned property.

We enclose copies of the following correspondences:

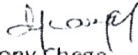
- a. Extract of brochure by Tysons Limited on the sale of the land. (Pelican R1)
- b. Letter dated 23rd October, 2013 from Mamicha Advocates to the Chairman National Land Commission. (Pelican R2)

Handwritten signature and date:
1/12/21

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- c. Letter dated 7th April, 2014 from Mamicha Advocates to the Chairman National Land Commission. (Pelican R3)
- d. Letter dated 5th June, 2014 from Mamicha Advocates to the Chairman National Land Commission. (Pelican R4)
- e. Letter dated 3rd April, 2014 from National Land Commission to the Director Kenya Forest Service. (Pelican R5)
- f. Letter dated 8th May, 2014 from Kenya Forest Service to the National Land Commission (Pelican R6)
- g. A letter from the Director, Kenya Forest Services dated 22vember 2012 to Pelican Engineering & Construction Co Ltd. (Pelican R7)
- h. Letter dated 15th July, 2014 from National Land Commission to Mamicha Advocates. (Pelican R8)
- i. Gazette Notice No 1091 dated 21st July 1995. (Pelican R9)
- j. Legal Notice 260 of 1995. (Pelican R10)
- k. A survey map of the area (Pelican R11)

Thank you,
Yours faithfully,


Anthony Chege
Chairman
Waterside Riverview Residents Association Plc
anthonychege1@gmail.com

Handwritten initials and date: AK/S 11/12/21

OVERVIEW ESTATE - off Kiambu Road

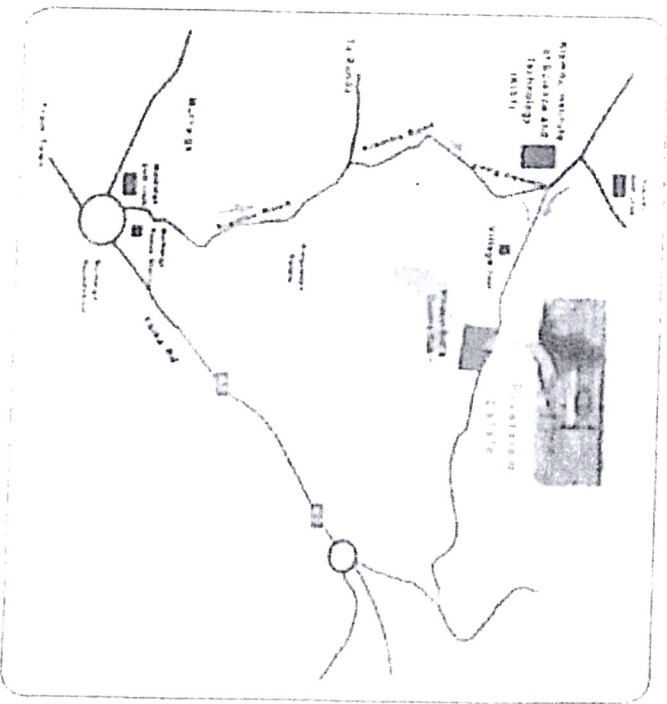
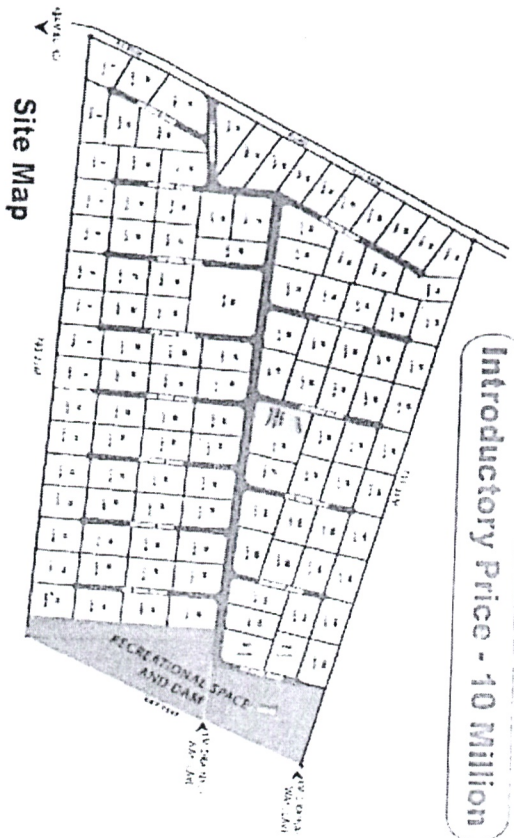
1/2 plots for sale situated in a serene leafy neighborhood just off Kiambu Road and only 5km from Muhaiga Golf Club.

Great Offer
 1/2 acre
 Residential plots
 For Sale

The plots are fully serviced:-
 Water and electricity already connected to it with Security lights on all roads. The entire parcel is fenced off in a gated community. Roads inside the property are well compacted murrum with drainage culverts. Dam site is a reserved recreational nature trail for exclusive use by plot owners, their families & Visitors.

social Amenities
 This property is within easy reach to schools, colleges, universities, hotels, clubs and health facilities. As for security the land is sandwiched between Njirahini Police post and Galot AP post.

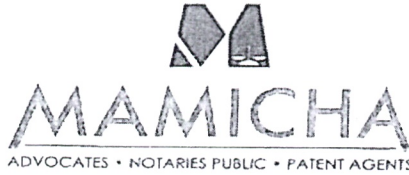
Introductory Price - 10 Million



Registered Valuers, Estate and Managing Agents
FIRST FLOOR, JUBILEE INSURANCE HOUSE, NAKBERA STREET
 P.O. Box 40228-00100 GPO, Nairobi, Kenya
 TEL: 2222011, 310643, 310650, Mobile Pioneer: 0722207403, 0734222002, FAX: 2212309
 E-MAIL: info@tysons.co.ke, Website: http://www.tysons.co.ke

YOUR LINK TO ALL PROPERTY SOLUTIONS

pelican R1



Petition R2

Our Ref: 75-25-13

Your Ref: T.B.A.

Date: 23rd October 2013

The Chairman
National Land Commission
Ardhi House
1st Ngong Avenue
Nairobi

Attn: Dr. Muhammed A. Swazuri, PhD, OGW

Dear Sir,

Re: Land Reference Number 15153 ("the property")


We refer to the above matter wherein we act for two purchasers who are in the process of purchasing two parcels of land being Land Reference Numbers 15153/11 and 15153/29 respectively which are both subdivisions from the captioned property.

The property initially fell under Kiambu forest reserve and was later degazetted as such vide Kenya Gazette Supplement No. 49 of 21st July 1995.

Kindly confirm whether the property is now clear for purchase by our clients.

Yours faithfully,
Mamicha & Company

COPY


John Muiruri
muiruri@mamicha.com

c. Director of Operations
Kenya Women Finance Trust
Head Office, Kiambere Road
Upper Hill
Nairobi

Attention: Anthony Chege ("Private & Confidential")

off copy
1/10/2013

Mamicha & Company law@mamicha.com www.mamicha.com	Plot 100/101, Ngong Road, Nairobi	Tel: +254 20 221 3613	Mobile: +254 722 556 022
	Plot 100/102, Ngong Road, Nairobi	Tel: +254 20 221 3613	Fax: +254 20 221 3613
	Plot 100/103, Ngong Road, Nairobi	Tel: +254 20 221 3613	





Pelican R 3

Mamicha & Company
ADVOCATES • NOTARIES PUBLIC • PATENT AGENTS

Our Ref: 75-25-13

Your Ref: T.B.A.

Date: 7th April 2014

National Land Commission
Ardhi House, 4th Floor, Room 405
1st Ngong Avenue
Nairobi

Attention: Emma Njogu

Re: Land Reference Number 15153 ("the property")

We refer to the above matter and your telecomm on even date with the writer.

We act for two purchasers who are in the process of purchasing two parcels of land being Land Reference Numbers 15153/11 and 15153/29 respectively which are both sub-divisions from the captioned property.

The property initially fell under Kiambu forest reserve and was later degazetted as such vide Kenya Gazette Supplement No. 49 of 21st July 1995. We note however that the property is listed in the Ndungu Report as being an illegal forest excision.

In the premise, we would be obliged to hear from you as to whether the property is now clear for purchase by our clients.

Yours faithfully,
Mamicha & Company


M.M. Mugi
law@mamicha.com

COPY

b. General Manager- Strategy & PA to MD
Kenya Women Microfinance Bank Ltd
Head Office, Kiambere Road, Upper Hill
Nairobi

Attention: Isabella Kiragu ("Private & Confidential")

c. Director of Operations
Kenya Women Microfinance Bank Ltd
Head Office, Kiambere Road, Upper Hill
Nairobi

Attention: Anthony Chege ("Private & Confidential")

Mamicha & Company
law@mamicha.com

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Our Ref: 75-25-13

Your Ref: NCL/ADM/EN/805

Date: 5th June 2014

National Land Commission
Ardhi House, 12th Floor
1st Ngong Avenue
Nairobi

Attention: Emma Njogu

Re: Land Reference Number 15153

We refer to past correspondence in respect of this matter resting with yours of 3rd April 2014 addressed Kenya Forest Service and copied to ourselves.

We further note the public notice put forth by the National Land Commission in the Daily Nation of 1st April 2014 (Page 34 thereof) enlisting a number of grants under review by the NLC.

Under Serial Numbers 24 and 25 of the notice (Karura Forest), Title Number 15153 is not amongst the listed.

Our clients are anxious to decide, and so are their financiers, whether to proceed with the purchase subdivisions thereof.

We would be most glad if the NLC gave us the green light as soon as practically possible since agreements and mortgage documents are being held in abeyance.

Yours faithfully,
Mamicha & Company


M. M. Mugi
law@mamicha.com

COPY

✓ General Manager- Strategy & PA to MD
Kenya Women Finance Trust
Nairobi

Attention: Isabella Kiragu ("Private & Confidential")

c. Director of Operations
Kenya Women Finance Trust
Nairobi

Attention: Anthony Chege ("Private & Confidential")

Pelicon 25



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/ADM/EN/805

3rd April 2014

Director,
Kenya Forest Service,
Karura, Off Kiambu Road,
P. O. Box 30513-00100,
NAIROBI.

Attention: Corporation Secretary,

LAND REFERENCE NUMBER 15153

We forward herewith a letter Ref. 75-25-13 dated 7th April 2014 from Mamicha Advocates.

Kindly let us have your opinion on the validity of title to the above parcel of land.

Emma Njogu
COMMISSIONER
For: CHAIRMAN

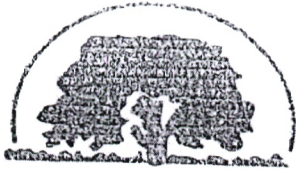
Encl.

Copy to: **Mamicha Advocates,**
P. O. Box 59304-00200,
NAIROBI.

Handwritten signature and date: 1/12/14



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KENYA
Forest Service

Pelican RB

Kenya Forest Service
Karura, Off Kiambu R
P.O. Box 30513-00100
Nairobi, Kenya

MAP/2/KFS/VOL.IV

Ref: No.

8th May 2014

Date:

Your Ref: NLC/ADM.I/VOL.II/33

The Chairman
National Land Commission
Ardhi House, 12th Floor
P.O BOX 44417
NAIROBI

Attn: Emma Njogu

Dear Madam,

RE: LAND REFERENCE NUMBER 15153:
PELICAN ENGINEERING & CONSTRUCTION COMPANY LIMITED

We acknowledge receipt of your letter dated 3rd April, 2014 and the attached documents from Sichale & Co. Advocates.

As indicated in the letter dated 22nd November, 2012 from the Director, Kenya Forest Service, land reference number 15153 of approximately 29.68Ha was altered through the Gazette Notice Number 1091 dated 1st February, 1995.

The parcel of land was subsequently degazetted as forest land through Legal Notice No. 260 of 11th July 1995:

Yours faithfully,

E. Wege
Esther Wege
Corporate Secretary/Head of Legal Service

off copy
1/12/24

Trees for better lives

Tel: (254) 020-3754904/5/6, (254) 020-2014663, (254) 020-2020285, Fax: (254) 020-2385374
Email: info@kenyaforestservice.org, Website: www.kenyaforestservice.org



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Pelican R7

Kenya Forest Service
Karura, Off. Kiambu Rd
P.O. Box 30513-00100
Nairobi, Kenya

REF: KFS/LS/018/09

22nd November 2012
Date:

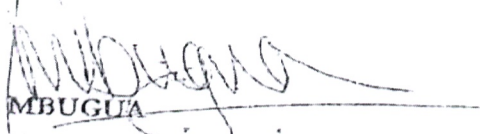
Managing Director
Pelican Engineering & Construction Co.
Limited
P.O. Box 18755 - 00500
NAIROBI
KENYA

RE: DEGAZZETMENT OF L.R. NO. 15153 - KIAMBU FOREST.

I refer to your letter reference number PEC/KFS/001/2012 dated 8th November 2012.

I would like to confirm that from our records, Land Reference Number 15153 of approximately 29.68 hectares lying within and adjoining the Eastern boundary of Kiambu forest in Kiambu District more particularly delineated on boundary plan 175/352 which is signed and sealed by Survey of Kenya was altered through Gazette Notice Number 1001 dated 1st February 1995. This was subsequently degazetted as forest land through Legal Notice No. 260 of 11th July 1995.

Yours sincerely,


D. K. MBUGUA
DIRECTOR

dfcarp
1/12/12

POLICE RB



NATIONAL LAND COMMISSION

Telegrams: 'MNLANDS' Nairobi
Telephone: Nairobi 271 5050
When replying please quote

ARDHI HOUSE
1st NGONG AVENUE
P.O. Box 30450-00100
NAIROBI, KENYA

15th July, 2014

Ref: NLC/ADM.1/VOL.II/33

Mr. M.M. Mugi
Macharia & Co. Advocates
Pan Aprica House, 3rd Floor
NAIROBI

Dear Mr. Mugi,

RE: LAND REFERENCE NUMBER 15153

We refer to your letter Ref. No. 75-25-13 dated 7th April, 2014 and regret the delay in responding to you

We attach a letter dated 8th May, 2014 from Kenya Forest Service showing the status of the above mentioned parcel of land.

According KFS, the land was legally degazetted. The Commission is thus of the view that it was subsequently available for allocation to private individuals

Yours faithfully,

Emma Njogu
COMMISSIONER

Handwritten signature and date:
1/12/21



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CORRIGENDUM

IN Gazette Notice No. 791 of 1995, in Cause No. 30 of 1995, amend the first name of the petitioner to read Joan instead of John.

GAZETTE NOTICE No. 1091

THE FORESTS ACT
(Cap. 385)

INTENTION TO ALTER BOUNDARIES—KIAMBU FOREST

IN ACCORDANCE with the provisions of section 4 (2) of the Forests Act, the Minister for Environment and Natural Resources, gives twenty-eight (28) days' notice, with effect from the date of the publication of this notice, of his intention to declare that the boundaries of the Kiambu Forest will be altered so as to exclude the area described in the schedule hereto.

SCHEDULE

An area of land of approximately 29.68 hectares, known as L.R. No. 15153, lying within and adjoining the eastern boundary of Kiambu Forest, situated approximately 2.5 kilometres south-east of the Kiambu township, in the Kiambu District, Central Province, the boundaries of which are more particularly delineated, edged red, on the boundary plan No. 175/352, which is signed and sealed with the seal of the Survey of Kenya and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the office of the District Forest Officer, Forest Department, Muguga.

Dated the 1st February, 1995.

J. K. SAMBU,
Minister for Environment and Natural Resources.

GAZETTE NOTICE No. 1092

THE LAW OF SUCCESSION ACT
(Cap. 160)

APPOINTMENTS

IN EXERCISE of the powers conferred by section 47 of the Law of Succession Act, the Chief Justice appoints—
Gilbert Mutembei Chaburi, senior resident magistrate,
Margaret Karimi Rintari, resident magistrate,

to represent the High Court for the purposes of that section.

Dated the 28th February, 1995.

A. M. COCKAR,
Chief Justice.

GAZETTE NOTICE No. 1093

THE MAGISTRATES' COURTS ACT
(Cap. 10)

INCREASE OF LIMIT OF JURISDICTION

IN EXERCISE of the powers conferred by section 5 (1) of the Magistrates' Courts Act, the Chief Justice increases the limit of jurisdiction of—

NORAH OWINO

senior resident magistrate, to Kenya shillings three hundred thousand (KSh. 300,000), with effect from 1st March, 1995.

A. M. COCKAR,
Chief Justice.

GAZETTE NOTICE No. 1094

THE MAGISTRATES' COURTS ACT
(Cap. 10)

INCREASE OF LIMIT OF JURISDICTION

IN EXERCISE of the powers conferred by section 5 (1) of the Magistrates' Courts Act, the Chief Justice increases the limit of jurisdiction of—

ANTONY KIMANI KANIARU

resident magistrate, to Kenya shillings three hundred thousand (KSh. 300,000), with effect from 1st March, 1995.

A. M. COCKAR,
Chief Justice.

GAZETTE NOTICE No. 1095

THE OATHS AND STATUTORY DECLARATIONS ACT

(Cap. 15)

A COMMISSION

To All To Whom These Present Shall Come Greeting:

BE IT KNOWN that on 8th February, 1995—

PETER M. MATHI

an advocate of the High Court of Kenya, was appointed to be a commissioner for oaths under the above-mentioned Act, for as long as he continues to practise as such advocate and this commission is not revoked.

Given under my hand and the seal of the court, on 8th February, 1995.

A. M. COCKAR,
Chief Justice.

GAZETTE NOTICE No. 1096

THE OATHS AND STATUTORY DECLARATIONS ACT

(Cap. 15)

A COMMISSION

To All To Whom These Present Shall Come Greeting:

BE IT KNOWN that on 14th February, 1995—

JASON ORINA MARANGA

an advocate of the High Court of Kenya, was appointed to be a commissioner for oaths under the above-mentioned Act, for as long as he continues to practise as such advocate and this commission is not revoked.

Given under my hand and the seal of the court, on 14th February, 1995.

A. M. COCKAR,
Chief Justice.

GAZETTE NOTICE No. 1097

THE OATHS AND STATUTORY DECLARATIONS ACT

(Cap. 15)

A COMMISSION

To All To Whom These Present Shall Come Greeting:

BE IT KNOWN that on 16th February, 1995—

JOSEPH RIOMA MOKUA

an advocate of the High Court of Kenya, was appointed to be a commissioner for oaths under the above-mentioned Act, for as long as he continues to practise as such advocate and this commission is not revoked.

Given under my hand and the seal of the court, on 16th February, 1995.

A. M. COCKAR,
Chief Justice.

GAZETTE NOTICE No. 1098

THE OATHS AND STATUTORY DECLARATIONS ACT

(Cap. 15)

A COMMISSION

To All To Whom These Present Shall Come Greeting:

BE IT KNOWN that on 21st February, 1995—

RUTH KARIMI KINAGWI

an advocate of the High Court of Kenya, was appointed to be a commissioner for oaths under the above-mentioned Act, for as long as she continues to practise as such advocate and this commission is not revoked.

Given under my hand and the seal of the court, on 21st February, 1995.

A. M. COCKAR,
Chief Justice.

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1/2/95



Kenya Gazette Supplement No. 49

21st July, 1995

(Legislative Supplement No. 34)

LEGAL NOTICE No. 260

THE FORESTS ACT

(Cap. 385)

ALTERATION OF BOUNDARIES—KIAMBU FOREST

IN EXERCISE of the powers conferred by section 4 (1) of the Forests Act, the Minister for Environment and Natural Resources declares that the boundaries of Kiambu Forest shall be altered so as to exclude the area described in the Schedule hereto.

SCHEDULE

An area of land of approximately 29.68 hectares, known as L.P. No. 15153, lying within and adjoining the eastern boundary of Kiambu Forest, situated approximately 2.5 kilometres south-east of the Kiambu Township, in the Kiambu District, Central Province, the boundaries of which are more particularly delineated, edged red, on the boundary plan No. 175/352, which is signed and sealed with the seal of the Survey of Kenya and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the office of the District Forest Office, Forest Department, Muguga.

Dated the 11th July, 1995.

J. K. SAMBU,
Minister for Environment and Natural Resources.

LEGAL NOTICE No. 261

THE STAMP DUTY ACT

(Cap. 480)

EXEMPTION

IN EXERCISE of the powers conferred by section 106 of the Stamp Duty Act, the Minister for Finance directs that the instruments executed in respect of purchase and transfer of plot No. 23402/111/202, situated in Langata, Nairobi, from Mbawanga Enterprises Limited, of P.O. Box 22876, Nairobi to Langata Islamic Welfare Organization, of P.O. Box 31033, Nairobi, shall be exempt from the provisions of the Act.

Dated the 14th July, 1995.

MUSALIA MUDAVADI,
Minister for Finance.

Handwritten signature and date: 1/12/95



KIAMBAA DIVISIONAL (141) WOMEN GROUPS

Ref:
Your ref: SEN/DCS/NSFR/CORR/2020(137)

26th November, 2021

Office of the Clerk of the Senate
The Senate
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100
Nairobi

Dear Sir,

RE: INVITATION FOR A MEEETING WITH THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS.

The above captioned matter and your letter dated the 23rd November, 2021 refer.

I am a businessman and an appointed agent of Kiambaa Divisional (141) Women Groups who have instructed me to address you as hereunder:

Acquisition of title for Grant I.R. No. 74148 for Land Reference Number 13642

1. Kiambaa Divisional (141) Women groups (hereinafter referred to as "the Women Groups") was registered in 1983 comprising of various women groups that came together for common purposes *inter alia* economic development and sustenance. **Annexed herewith as item 1 on the index for the bundle of documents is the copy of the Certificate of Registration of the Women Groups).**
2. The said Women Groups as part of economic sustenance used to entertain by form of dance the late President Daniel Arap Moi during the events held on various National Public Holidays and public gatherings who upon request of the Women Groups on or about the year 1983 gifted and consequently allotted them an unsurveyed parcel of land excised for Kiambu Forest situate in Kiambu Municipality.

3. The Women Groups then began the process of acquiring the said unsurveyed parcel by initiating correspondence with the Ministry of Environment and Natural Resources and Ministry of Lands. **(Annexed herewith as items 2, 3, 4 on the index for the bundle of documents are copies of the letters dated 12th July, 1984, 13th July, 1984 and 9th October, 1984).**

4. Consequently, the Women Groups were issued with 2 letters of allotment for unsurveyed plots A & B each measuring approximately 50.73 ^{Acres} ~~Ha.~~ **(Annexed herewith as item 5 and 6 on the index for the bundle of documents are copies of the letters of allotment all dated 19th November, 1984).**

5. The Survey and excision process for unsurveyed Plots A and B was initiated sometimes in June 1987. The Director of Survey approved the Survey Plan of the excision of Plot Numbers A and B by the Survey Branch of the Forest Department on or about the 24th June 1987 as per the Survey Plan F/R No. 170/55 and L.R Number issued being 13642 (hereinafter referred to as "the Property"). **(Annexed herewith as item 7 is the letter dated 24th June 1987 and survey plan).**

6. The Women Groups applied to change the user of the property, while simultaneously undertaking the process of subdivision, from industrial to residential use. The said process was initiated on or about the 8th June, 1984 with various approvals being acquired and the change of user from industrial to residential being effected. **(Annexed herewith as items 8,9,10, 11 and 12 on the index for the bundle of documents are copies of the letters dated 8th June, 1994, 13th June, 1994, 26th November, 1996 and 3rd March 1997 and Payment Receipt dated 5th February, 1997).**

7. Further, given the size of the individual unsurveyed plots vis-a-vis the members of the Women Group of about 6000 individuals, the members initiated the Sub-division process of the unsurveyed Plots A and B on or about the 27th July, 1989 to take care of the individual interests of the members. Consequently, various approvals were obtained from the relevant Government departments within the Ministry of Lands and Housing. **(Annexed herewith as items 13,14,15,16, 17 and 18 on the index for the bundle of documents are copies of the letters dated 27th July, 1989 together with the proposed subdivision schemes, 28th July, 1989, 1st August, 1989, 4th August, 1989, 4th October, 1990 and 2nd April, 1992).**
8. Consequently, the Women Group were issued with Grant I.R. No. 74148 for Land Reference Number 13642 measuring approximately 39.82 ^{Acres} Ha for a period of 99 years from 1st December, 1984 (hereinafter referred to as "the Property") by the then Commissioner of Lands on or about the 30th July, 1997. **(Annexed herewith as item 19 on the index for the bundle of documents is the copy of the Grant for I.R. 74148 for L.R No. 13462)**
9. Upon surrender of the mother title to the Commissioner for Lands in 1997 and the proposed subdivision scheme approved on 1st April, 1998 the property was subdivided in 1998 into various plots for several uses *inter alia* agricultural, residential, light industries, school, community and shopping center together with a riparian reserve. The subdivision scheme approvals were then issued to the various Women groups with legal fees and other charges being apportioned. **(Annexed herewith as items 20, 21 and 22 on the index for the bundle of documents is the copy of the letter dated 1st April, 1998, various subdivision scheme approvals and survey maps).**
10. Upon subdivision of the property into the various plots, deed plans of the subdivided plots were processed and issued to the individual groups forming the Women Group and application for issuance title deeds were

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made and the various payments effected. **(Annexed herewith as items 23, 24 and 25 on the index for the bundle of documents are copies of the list of the various groups, various deed plans and bundle of receipts, demand notes for rent and booking forms).**

11. Pursuant to processing the deed plans to the subdivided plots, titles to the various subdivided plots were issued for ¼ acre plots that were to be handed over by the Head of State, the Late President Daniel Arap Moi given that the property was direct allocation. **(Annexed herewith as items 26, 27, 28 and 29 on the index for the bundle of documents are copies of the letter dated 9th November, 1997 and 9th December, 1997 list of groups with complete title deed and bundle of title deeds).**
12. The Women Groups then sold the subdivided parcels to various individuals for value and without notice as the plots were too small for the said Women groups to do anything constructive on them as individuals thus selling the said plots and sharing the proceeds was the most ideal plan. **(Annexed herewith as item 30 on the index for the bundle of documents are some of the copies the details of the various Women Groups being their certificate of registration of registration and identification documents)**
13. Amongst the individuals who showed interest to buy the said subdivided plots were Golden Palm Gardens Residents (hereinafter referred to as "the Residents") who are even 3rd and 4th generation innocent purchasers for value who then proceeded to conduct utmost due diligence at the Lands Office in terms of applying for searches and established the rightful proprietors being the various Women Groups comprising the Kiambaa Divisional (141) Women groups as per the list annexed as item 22 above. **(Annexed herewith as item 31 on the index for the bundle of documents is the copy of the subdivision scheme).**

14. From the sale and purchase of the subdivided plots of land to the residents, it is manifest that due process in acquiring the same was followed:

The due process

- i. That there was a clear intention by the relevant authorities to excise the property and appropriate it for private use;
- ii. The process commenced in earnest and all stakeholders, including Survey of Kenya, the Kenya Forest Service (hereinafter referred to as "KFS") and the Ministry of Lands were involved;
- iii. The Director of Survey surveyed the land to be excised;
- iv. The Women Groups paid the requisite fees to ensure that due process of excision, titling and sub-division was conducted to its logical conclusion;
- v. As a fact, there exists a register and records of the property at the lands office and a title to the whole land as excised was processed and surrendered to the Ministry of Lands upon subdivision;
- vi. Subsequently, the land was subdivided which subdivisions were registered at the Survey of Kenya. The title deeds for some of the subdivisions have since been processed and released to the plot owners.

15. The Residents upon conducting utmost due diligence bought the subdivided plots and effected the transfer process by paying stamp duty, rent and rates arrears and procuring clearance certificates thereto from the relevant departments of the Ministry of Lands and County Councils of Kiambu. Upon the said transfers being duly registered, the said residents then acquired clean title and proceeded to construct approximately 170 residential homes majorly retirement homes by residents who mostly have no financial capability to acquire new homes. ***Annexed herewith as item 32 on the index for the bundle of documents are copies of payments receipts for rent, stamp duty, processed titles to some of the current residents and register of members of the resident's association).***

Issue of Proprietorship

16. The issue in contention is that the Property is gazetted as Forest land and thus belongs to the KFS and has never been degazetted.
17. On 1st August, 2008 at the point of sale and purchase of the subdivided plots of the property by the Women Groups who had possession, KFS placed a caveat emptor notice on the dailies.
18. On 30th September, 2008, the Commissioner of Lands then, wrote to KFS informing them that the process of excision of the property was initiated by themselves being KFS and the necessary approvals effected giving rise to the L.R. No. of the property. **(Annexed herewith as item 33 on the index for the bundle of documents is the copy of the letter dated 30th September, 2008 by the Commissioner of Lands)**
19. Despite the aforesaid, the caveat by KFS subsequently led the Commissioner of Lands to cease processing the titles to the subdivided portions of the property.
20. The Women groups consequently filed a Judicial Review application seeking orders of certiorari to remove the caveat and an order of prohibition to restrain KFS from placing any other caveat on the land. The said application by the Women Groups was allowed by the Honourable Court via ruling delivered on 22nd September, 2011.
21. Further, the Report of the Commission of Inquiry into the Illegal/Irregular allocation of Public Land otherwise known as the Ndungu Land Report at page 231 of Annexes of Volume I mentions the property as part of Kiambu Forest being "an area measuring approximately 39.82 Ha which was authorized for excision for Kiambu Women groups as per Chief Conservator's Letter ref no: FOR:68/7/62 of 12th July, 1984 which area has



not been degazetted but already cleared" (**Annexed herewith as item 34 on the index for the bundle of documents is the copy of the extract of page 231 of Annexes of Volume I of the Ndungu Land Report**)

22. The issue was placed before the National Land Commission (hereinafter referred to as "the NLC") upon receiving numerous inquiries by land owners to determine whether their various parcels were part of the Kiambu Forest including the Women Groups who wrote to the NLC vide letter dated 15th January, 2014 requesting the re-opening of the process of issuing the remaining titles to the resultant owners of the subdivided plots to the property. (**Annexed herewith as item 35 on the index for the bundle of documents is the copy of the letter by the Women Groups dated 15th January, 2014**).

23. The NLC as mandated by section 6 of the National Land Commission Act invited all affected parcel owners for a public inquiry on 26th and 28th June, 2018 through the dailies at A.C.K. Gardens in Nairobi. (**Annexed herewith as item 36 on the index for the bundle of documents is the copy of the advert**).

24. Hearings took off upon which parties were allowed to file submissions. (**Annexed herewith as item 37 on the index for the bundle of documents is the copy of the submission by the Advocates for the Residents and the Women Groups**)

25. The findings of the NLC from the inquiry conducted and after hearing submissions by the various parties were that:

- i. KFS made attempts to degazetted the land
- ii. Most of the land is developed with housing estates

26. The NLC then proposed that the attempted degazettment of the forest be completed so as to enable regularization of the current occupants of the forest as their recommendation on 21st January, 2019. (**Annexed herewith**

7



as item 38 on the index for the bundle of documents is the copy of the review by the National Land Commission dated 21st January, 2019).

27. Pursuant to NLC's recommendation hereinbefore mentioned, the Residents' Association wrote to KFS to assist to have the process of degazettment of the property finalized which KFS responded to and stated that the land is not available for any other use other than forest conservation and management as stipulated in the Forest Conservation and Management Act 2016 . ***(Annexed herewith as items 39 and 40 on the index for the bundle of documents are copies of the said letters by the Residents' Association and KFS).***

In Conclusion:

28. The residents are ready and willing and have been taking deliberate steps to plant more trees and ensuring, through its by-laws, that each resident plants and maintains at least then (10) trees or any number of trees that may be recommended by KFS.
29. Further, on efficiency and to guarantee enforceability in managing public land, the residents' association have been in the process of incorporating public land management practices in its by-laws.
30. There have been no allegations of fraud or deceit in the acquisition of either the grant of the property or the subdivisions thereto. There has neither been any allegation of deceit nor has there been any evidence of any impropriety or fraud on the part of the Women Groups and the resultant owners after subdivision of the property.
31. Further none of the owners of the subdivided plot to the property being (Golden Palm Garden Estate or their predecessors in title) are alleged to have grabbed forest land. Thus, any missed step, out of ignorance or any

inadvertence ought not to be a ground to disposes the owners currently in possession of the subdivided plots who are bonafide purchasers for value and they have enjoyed quiet possession.

32. Of importance to note is that no activist ever participated in the hearing held by the NLC back in the year 2018. The Women Groups and Residents are thus strangers to any activists who have ever raised any awareness about the property being forest land in form of public awareness and participation on or around the area the Property is located.

33. The property should thus be degazetted as a forest and further the relevant authorities to take steps to regularize the title to the property and the subdivisions thereto as recommended by the NLC as the Residents are on the verge of being evicted and thus losing their homes which were acquired using their life long savings.

Yours Faithfully,

KIAMBAA DIVISIONAL (141) WOMEN GROUPS



DAVID MURIUKI THIONG'O

Cc: Mr. Paul Kihara Gachukia,
Secretary,
Golden Palm Gardens Residents Association,
P.O. Box 17198-00100,
Nairobi.

HKM Associates Advocates,
Vision Tower, 6th Floor,
26 Muthithi Road, Westlands,
P.O. Box 13583-00800
Nairobi



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MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES



FOREST DEPARTMENT HEAD
P.O. Box 10513, NAIROBI

12th July,

Kenya Forest Dept., Nairobi
P.O. Box 10513, Nairobi 722620-1
When replying please quote
No. FOR. 68/7/(62)
and date

Commissioner of Lands
Department of Lands
P.O. Box 30089
NAIROBI
(Att. Mr. Njenga)

EXCISION OF KIAMBU FOREST

I refer you to discussion Njenga/Mburu on 10th July, 1984 and enclose herewith a 1:5,000 map of Kiambu Forest showing edged in red the area that we are in the process of excising from the forest. You may therefore go ahead and draw up plans for it.

2. As you will see, and as mentioned in my letter FD/2.67/Vol.VII/15 of 25th October, 1983, the area is 39 hectares. It only falls short of what had been requested by 1 hectare. However it has clearly defined boundaries - farmac roads on two sides, a river on one side and farms on the other.
3. Please also refer to your letter No. 10274/14/34 of 15th August, 1983 and my FD/2.67/Vol.II/12 of 23rd September, 1983.

O.M. Mburu
(O.M. MBURU)
CHIEF CONSERVATOR OF FORESTS

copy to: Officer-In-Charge
SURVEY BRANCH
KARURA

As agreed could you prepare the
B.P. and notices

2

MINISTRY OF LANDS AND SETTLEMENT

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 27471 Ext.

When replying please quote

Ref. No. ...102749/14/184.
and date



DEPARTMENT OF
P.O. Box 30

13th July, 1984

Mrs. Wariara Njenga
Chairperson,
Kiambaa Women Groups,
P.O. Box 134,
KIAMBU.

Dear Madam,

ALLOCATION OF LAND : KIAMBU FOREST

Reference is made to your recent enquiry regarding the allocation of the approx. 100 acres of excision from Karura Forest.

I have been in touch with the Chief Conservator of Forests and in this connection, I attach herewith a copy of his letter FOR.68/77(62) of 12th July, 1984 which is self-explanatory.

You will note that the site falls short by 3 acres but in view of the natural boundaries we have agreed that a Boundary Plan should be prepared as per the attached plan (the site shown bordered in red) to facilitate degazettement after which I will issue you with a Letter of Allotment.

Please let me know in whose name and address I should issue the Letter of Allotment.

Yours faithfully,

J.R. NJENGA
COMMISSIONER OF LANDS.

Encl.

c.c.

Hon. J.N. Karume M.P.
Assistant Minister for Energy and
Regional Development and
Member for Kiambaa Constituency,
P.O. Box 30582,
NAIROBI.

4

REPUBLIC OF KENYA

Telegrams: "Lands", Nairobi
 Telephone: Nairobi 27471/1xt.
 Kiambu Division Women Group
 P.O. BOX 134, KIAMBU

DEPARTMENT OF LANDS
 P.O. Box 30089
 NAIROBI

19th November 1984

Ref. No.

REGISTERED

SIR(S)/MADAM,

LETTER OF ALLOTMENT

KIAMBU FOREST - UNSURVEYED PLOT 'A'
 I have the honour to inform you, that the Government hereby offers you a grant of

..... shown edged red on the attached plan
 No. (unsurveyed) subject to your formal written acceptance of the following
 conditions and to the payment of the charges as prescribed hereunder:—

AREA: 20.53 hectares or 50.73 acres (approximately)
 TERM: 99 years from the 1-12-1984
 STAND PREMIUM: Sh. 100,000/-
 ANNUAL RENT: Sh. 20,000/- } ~~Subject to the conditions on the reverse~~

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 of the Laws of Kenya) and title will be issued under the Registration of Titles Act, (Cap. 281).

SPECIAL CONDITIONS: See attached.

2 I should be glad to receive your acceptance of the attached conditions together with your cheque for the amount as set out below:—

	Sh.
Stand Premium	100,000.00
Rent from 1-12-1984 to 31-12-84	1,666.65
Conveyancing Fees	350.00
Registration Fees	50.00
Rates, proportion of (provisional) on demand	2,200.00
Stamp Duty	---
Survey Fees	on demand
Road and Road Drains)	on demand
Sewers)	on demand
Receipt No.	Less Deposit
5	TOTAL ... Sh. 104,266/65

[P T O]



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

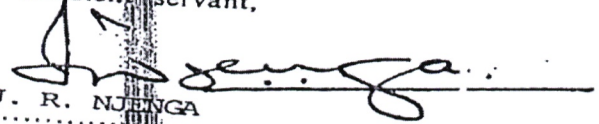
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction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

The issue of the Government Grant will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the draft grant which will be submitted later for your acceptance. The attached special conditions are part of the offer.

Allocation authorised by Government

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


J. R. NJENGA
Commissioner of Lands

- TO:--
- The Permanent Secretary, Ministry of Lands & Settlement
 - The Director of Surveys, Nairobi.
 - The Clerk to the Council, County Council of Kiambu, P.O. BOX 170, KIAMBU
 - The District Commissioner,
 - The Town Planning Adviser, Nairobi.
 - The City Valuation Officer, City of Nairobi.
 - Land Rents.
 - Assistant.
 - Accountant.
 - Records.
 - Plan Record Officer.
 - File.

6

5

REPUBLIC OF KENYA

Telegrams: "Lands", Nairobi
Telephone: Nairobi 27471/1xt.
Kisumu Division Women Group
P.O. BOX 134, KIAMBU
Ref. No. 102749/14

DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI

19th November 1984

REGIST. RED
M. DAM.

LETTER OF ALLOTMENT

KIAMBU FOREST - UNSURVEYED PLOT 'B'

I have the honour to inform you that the Government hereby offers you a grant of the above plot shown edged red on the attached plan (Unsurveyed) subject to your formal written acceptance of the following conditions and to the charges as prescribed hereunder:—

AREA: 20.53 hectares or 50.73 acres (approximately)
TERM: 99 years from the 1-12-1984
STANDARD PREMIUM: Sh. 200,000/-
ANNUAL RENT: Sh. 40,000/- } Subject to adjustment 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 of the Laws of Kenya) and title will be issued under the Registration of Titles Act, (Cap. 281).

SPECIAL CONDITIONS: See attached.

I should be glad to receive your acceptance of the attached conditions together with your cheque for the amount as set out below:—

	Sh.
Standard Premium	200,000.00
Rent from 1-12-84 to 31-12-84	3,333.35
Conveyancing Fees	350.00
Registration Fees	50.00
Rates, proportion of (provisional) on demand	---
Stamp Duty	400.00
Survey Fees on demand	---
Road and Easement Drains on demand	---
Sewers on demand	---
Less Deposit	---
7 TOTAL	Sh. 208,133.35

Receipt No.

I.P.T.O.

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

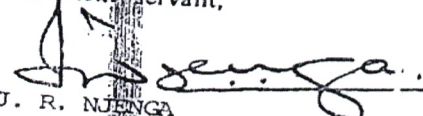
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction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

The issue of the Government Grant will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the draft grant which will be submitted later for your acceptance. The attached special conditions are part of the offer.

Allocation authorised
by Government

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


J. R. NJENGA
.....
The Commissioner of Lands

Enc.

COPY TO:--

The Permanent Secretary, Ministry of Lands & Settlement

The Director of Surveys, Nairobi.

~~DEPT. OF LANDS~~

The Clerk to the Council, County Council of Kiambu, P.O. BOX 170, KIAMBU

The District Commissioner,

The Town Planning Adviser, Nairobi.

The City Valuation Officer, City of Nairobi.

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior File Record Officer.

Plot File.

6/1/75

8



KWG-16

205

CF/45/Vol.1/17
24th June, 1987

The Forest Department,
O/C Survey Branch,
P.O. Box 30241,
NAIROBI.

This is the exhibit marked "C"
and to be the annexed
declaration
Sworn before me this 23rd FEBRUARY
declared
day of 20th at NAIROBI

Commissioner for Oaths

Dear Sir,

RE: EXCISION FROM KIAMBU FOREST:

Your survey submitted under cover of your letter ref. FD/SS/65/19 of 15th May, 1987 has been approved and is contained in our F/R 170/55. The plot number is LR No. 13642 with an area of 39.82 hectares. My checking fees amount to Ksh.160/-

Please note the surveyor should provide me with the source of the river data as required by the survey regulations.

Boundary plan will be prepared on demand and when my checking fees are paid and source of river data is provided.

Yours faithfully,

HENRY F. K. WAMBUA
Henry F.K. Wambua,
for DIRECTOR OF SURVEYS.

Checked by
K...

c.c.
Comps - 20509.

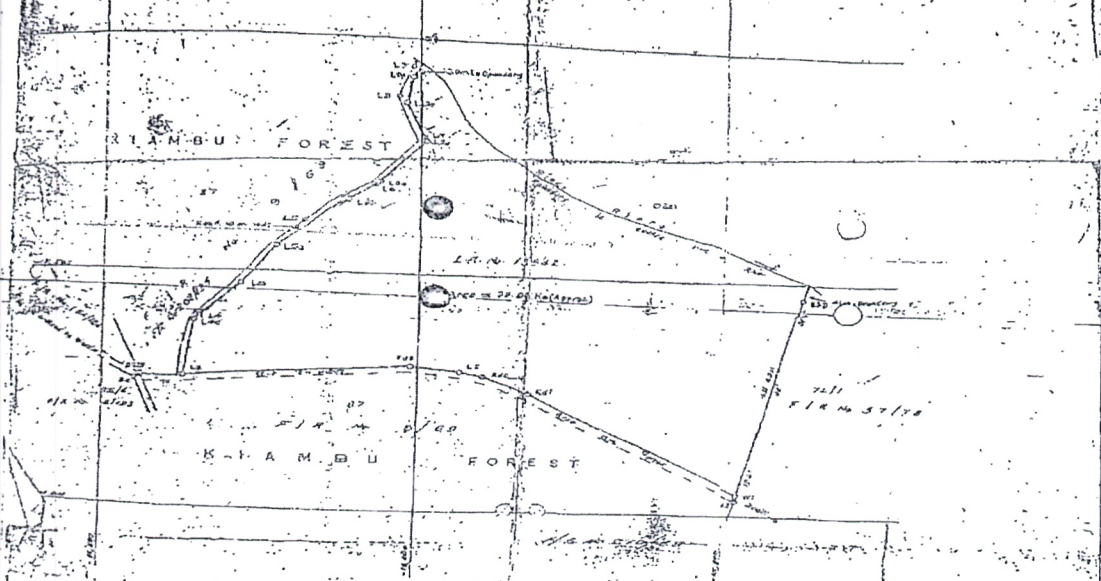
D/O - Prepare boundary plan when the above conditions are met.

9

KWG-17

Block	Number of Holdings	Class of Period
101	101-01-01	101-01-01
102	102-02-02	102-02-02
103	103-03-03	103-03-03
104	104-04-04	104-04-04
105	105-05-05	105-05-05
106	106-06-06	106-06-06
107	107-07-07	107-07-07
108	108-08-08	108-08-08
109	109-09-09	109-09-09
110	110-10-10	110-10-10
111	111-11-11	111-11-11
112	112-12-12	112-12-12
113	113-13-13	113-13-13
114	114-14-14	114-14-14
115	115-15-15	115-15-15
116	116-16-16	116-16-16
117	117-17-17	117-17-17
118	118-18-18	118-18-18
119	119-19-19	119-19-19
120	120-20-20	120-20-20

Use	Area	Volume
101-01-01	101-01-01	101-01-01
102-02-02	102-02-02	102-02-02
103-03-03	103-03-03	103-03-03
104-04-04	104-04-04	104-04-04
105-05-05	105-05-05	105-05-05
106-06-06	106-06-06	106-06-06
107-07-07	107-07-07	107-07-07
108-08-08	108-08-08	108-08-08
109-09-09	109-09-09	109-09-09
110-10-10	110-10-10	110-10-10
111-11-11	111-11-11	111-11-11
112-12-12	112-12-12	112-12-12
113-13-13	113-13-13	113-13-13
114-14-14	114-14-14	114-14-14
115-15-15	115-15-15	115-15-15
116-16-16	116-16-16	116-16-16
117-17-17	117-17-17	117-17-17
118-18-18	118-18-18	118-18-18
119-19-19	119-19-19	119-19-19
120-20-20	120-20-20	120-20-20



Small text block containing registration details and notes, including a reference to 'FIR No. 1242' and 'FIR No. 2202 (K-I-A-M-B-U)'.

SCALE 1:5000

Plot No. 1242	1242
Registration District	K-I-A-M-B-U
Location	S. of K-I-A-M-B-U

Registration	Transactions	Authentication	Date	Records	Date
...
...
...

Folio No. 170
Register No. 55



REPUBLIC OF KENYA

Report of the Commission of Inquiry
into the
Illegal/Irregular Allocation
of
Public Land

ANNEXES VOLUME I

Presented to

His Excellency
Hon. Mwai Kibaki, C.G.H., M.P.
President and Commander-in-Chief of the Armed Forces of the
Republic of Kenya

June, 2004

Price: KSh. 1,200

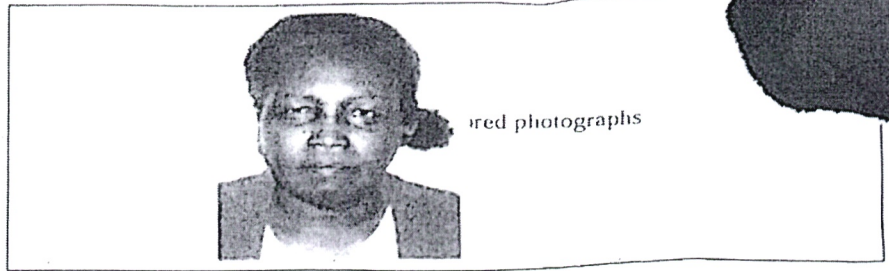
PRINTED BY THE GOVERNMENT PRINTER, NAIROBI

Scanned with CamScanner

An area measuring approximately 39.82 ha was authorized for excision for Kiambu Women Group as per Chief Conservator's letter Ref. No. FOR: 68/7/62 of 12/7/84. The area has not been degazetted but it is already cleared. In the same locality an area of approximately 24.00 ha was allocated to Tugirane Project and registered under Kama Agencies owned by Hon. Kuria Kanyingi. Flower farming is being undertaken although the area is illegally acquired.

Scanned with CamScanner

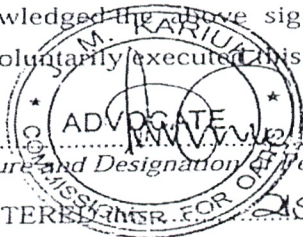
SIGNED by the Lessee
IN THE PRESENCE OF:



Signature [Handwritten Signature]
ID/PASSPORT 0358977
PIN NO A00329476 A001323538V
Copy of the Original
OMWENGA ARASA ADVOCATE
A COMMISSIONER FOR OATHS
P. O. Box 9726 - 00200 NAIROBI

I CERTIFY that the above-named appeared before me on the day
of 20 and being known to me/being identified by

acknowledged the above signature or marks to belong to the Lessee and that the Lessee freely
and voluntarily executed this instrument and understood its contents.



Signature and Designation of Person Certifying

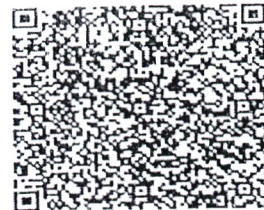
REGISTERED day of July 2020

Land Registrar

Name [Handwritten Signature]

DRAWN BY: D. A. Pera 20, 3

CABINET SECRETARY
P.O. BOX 30450
NAIROBI



1050317284

e4ca45159f7b4dfe567ca80b7e663a09

Valley View Estates
Off Njathaini Road, Kiambu

Our Ref: VVE/10/20211

Your ref: SEN/DCS/NSFR/CORR/2020(140)

29th November, 2021

Office of the Clerk of the Senate,
The Senate,
Clerk's Chambers,
Parliament Buildings,
P.O. Box 41842-00100,
Nairobi – Kenya.

Dear Sir,

RE: INVITATION FOR A MEEETING WITH THE SENATE STANDING
COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN
RELATIONS.

The above captioned matter and your letter dated the 23rd November, 2021 refers.

I, JOHN MWAURA MBUGUA, the undersigned is a chairman of Valley View Residents Association and a purchaser for value of LR. No. 21350/27 which is a subdivision of that parcel of land formerly known as L.R No. 21350/1.

That I have the authority of 59 Valley View Residents to represent them in this matter.

That the residents of Valley View purchased L.R Nos. 21350/1 – LR. L.R No. 21350/59 which are subdivisions of L.R No. 21350/1 from Kama Agents Company Limited.

Thus, I am in receipt of yours under reference inviting initial allottees and the current owners of land that was formerly part of Kiambu Forest to provide information on the circumstances that led to the ownership of the said land.

Pursuant to your summons Valley View residents ("hereinafter referred to us "we") file these submissions as occupiers and purchasers for value of subdivisions of all that parcel of land known as L.R No. 21350/1 that previously formed part of Kiambu Forest.

The information provided hereinafter was garnered from Kama Agencies Company Limited and later Kama Agents Company Limited who sold me parcels of land after the subdivision of *L.R No. 21350/1*

Acquisition of title for Grant I.R. No. 80630 for Land Reference Number L.R No. 21350/1

1. According to information within our knowledge, Kama Agencies Company Limited ("hereinafter Kama Agencies") a limited liability corporation was a real estate business company that owned L.R No. 21350/1.
2. That Kama Agencies were in the year 1995 gifted and consequently allotted all that parcel of land known as Land Reference Number L.R No. 21350/1 vide Grant No. IR. 80630, which land was surveyed and excised from the Kiambu Forest situate in Kiambu Municipality. The Grant was for a term of 99 years commencing on the 1st April, 1995.
3. That we are also aware that Section 4 (2) of the Forest Act, Cap No. 385 (Repealed by the Forest Act of 2005, Act 7 of 2005), the then applicable law with respect to the de-gazettement of Forests provided that *"prior to the making of a declaration that a forest area has ceased to be a forest, the Minister, in our case the Environment and Forestry, is obligated to issue a 28 days' Gazette notice of his intention to declare that such a forest has ceased to be a forest."*
4. That we are also alive to the fact that on the 11th July, 1995, the then Minister of Environment and Natural Resources, the Hon. J.K Sambu did comply with the provision of Section 4 (2) of the Forest Act, Cap No. 385 (Repealed) by declaring in the Kenya Gazette that all that parcel of land known as L.R. No. 21350 has ceased to be a forest.
5. That it is worthwhile to note that, the Survey and excision process for unsurveyed forest land was initiated with the concurrence of the Kenya Forest Department, a predecessor in title of Kenya Forest Services ("KFS"). The Forest Department, then under the Ministry of Environment and Natural Resources, did on the 3rd July, 1996 confirm the said allotment of Property with an approval to Kama Agencies to develop the Property.
6. That, given that Kama Agencies was in the business of real estate and flower farming it did initiate the Sub-division process of Land Reference Number L.R No. 21350/1 and transferred part of it, at a consideration, to the general public. Particularly, I and other 58 innocent purchasers for value have since acquired interests in the land formerly known as Land Reference Number L.R No. 21350/1.
7. That the said subdivision and various approvals were obtained from the relevant Government departments/agencies within the Ministry of Lands and Housing.

8. THAT we the occupiers of the sub divided L.R. No. 21350/1 contend that the allotment of the subject property, the excision thereof, the issuance of the mother title and resultant subdivision was initiated and implemented by relevant Government bodies, including but not limited to the then President of the Republic of Kenya, the Kenya Forest Department, the Ministry of Lands and Settlement, the Survey Department and relevant Physical Planning Office. It is thus manifest that the due process was followed during the entire exercise including the Sale and Transfer of the resultant titles from the Kama Agencies to the current occupiers.
9. THAT the occupiers of L.R. No. 21350/1 do content so due to the following reasons;
- i. That there was a clear intention by the relevant authorities to excise the property and appropriate it for private use;
 - ii. The process commenced in earnest and all stakeholders, including Survey of Kenya, the Kenya Forest Service predecessor in title and the Ministry of Lands were involved;
 - iii. The Director of Survey surveyed the land to be excised;
 - iv. The Kama Agencies paid the requisite fees to ensure that due process of excision, titling and sub-division was conducted to its logical conclusion;
 - v. As a fact, there exists a register and records of the property at the lands office and a title to the whole land as excised was processed;
 - vi. Subsequently, the land was subdivided which subdivisions were registered at the Survey of Kenya. The title deeds for some of the subdivisions have since been processed and released to the plot owners.
10. That Articles 27 and 40 of the Constitution guarantees the occupied of the subject property rights to equality and freedom from discrimination, and protection of property. The refusal to recognize their titles infringes on their right to own property.
11. The allotment of the subject property, the survey and excision thereof were all done by the relevant government authorities and surveys whether conducted by licensed government surveyors, or not must be submitted to the director of survey and authenticated as required by the Law.
12. That moreover, it would be contrary to the intent of the Law for a party seeking to acquire interest in land, read the occupiers of the subject property, to go



beyond the register to establish ownership and the antecedents and or history of the past transactions involving the Subject property.

13. Section 26 of the Land Registration Act provides that a Certificate of title must be held as conclusive evidence of proprietorship. We set out the provision in extensor as follows;

"The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as prima facie evidence that the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge, except –

- (a) *on the ground of fraud or misrepresentation to which the person is proved to be a party; or*
- (b) *Where the certificate of title has been acquired illegally, un-procedurally or through a corrupt scheme.*

14. It is our contention that no particulars of fraud on the part of the occupiers of the subject property(s) has been advanced by the Conservation Alliance of Kenya for the titles to the properties were acquired lawfully and, in the circumstances, indefeasible.

15. It is also manifestly clear that any action to deprive the occupiers of the property their said properties would be capricious and or illegal, and it will also deny the occupiers/owners their legitimate expectation to own land. This is for simple reason that it is Government agencies that initiated the process of excision and subdivision of forest land and not the occupiers of the properties.

16. From the sale and purchase of the subdivided plots of land to the residents, it is manifest that due process in acquiring the same was followed:

In Conclusion:

17. The residents are ready and willing and have been taking deliberate steps to conserve the environment.
18. Further, there have been no allegations of fraud or deceit in the acquisition of either the grant of the property or the subdivisions thereto. There has neither been any allegation of deceit nor has there been any evidence of any impropriety or fraud on the part of the Kama Agencies and the resultant owners after subdivision of the property.



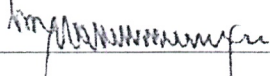
19. Further none of the owners of the subdivided plot to the property (being, the 59 purchasers for value or their predecessors in title) are alleged to have grabbed forest land. Thus, any missed step, out of ignorance or any inadvertence ought not to be a ground to disposes the owners currently in possession of the subdivided plots who are bonafide purchasers for value and they have enjoyed quiet possession.

For your information and knowledge, I attach herewith the following documents in support of my assertions;

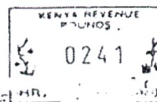
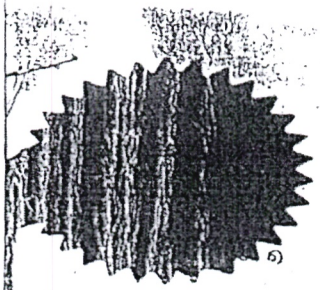
- a) A copy of the Certificate of Title for L.R No. 21350/1 1
- b) A copy of the said Gazette Notice dated 11th July, 1995. 2
- c) A copy of a letter from the Forest Department dated the 3rd July, 1996. 4
- d) Copies of Certificate of Titles issued by the Ministry of Lands L.R. No. 21350/32, 5, 8
LR. NO. 21350/51, L.R No. 21350/11, L.R. No. 21350/27 and LR. No. 21350/33 10, 12, 14
- e) Sale Agreements for LR No. 21350/27 and LR. No. 21350/32 17 23
- f) Transfer instruments for L.R. No. (Transfer of interest Forms dully filled) 39, 42
- g) Rate Clearance Certificate for L.R. No. 21350/45 and L.R. No. 21350/51 47, 49
- h) Rent Clearance Certificate for LR. No. 21350/27 and L.R. No. 21350/51 48, 49, 51
- i) Construction Permit for L.R. No. 21350/45 53
- j) Letter dated 16th July, 2012 54
- k) Capital Gains Tax for L.R No. 21350/32 55

Yours Sincerely,

JOHN MWAURA MBUGUA



Cc: Valley View Garden Association.

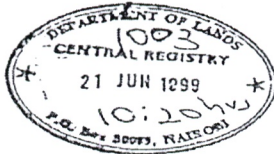


REPUBLIC OF KENYA

50/24
2/6

THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT: Number I.R. 80 630
ANNUAL RENT: Ksh. 240,830/- (REVISABLE)
TERM: 99 years from 1.4.1995



KNOW ALL MEN BY THESE PRESENTS that in pursuance of a surrender registered in the Government Land Titles Registry as I.R. 67930/2 THE PRESIDENT OF THE REPUBLIC OF KENYA hereby Grants Unto KAMA AGENCIES LIMITED a limited liability company having its registered office at NAIROBI (Post Office Box Number 56476)

(hereinafter called "The Grantee") ALL that piece of land situate in Kiambu Municipality in KIAMBU District containing by measurement fifteen decimal six two (15.62) hectares or thereabouts that is to say L.R. No. 21350/1

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 223761 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of ninety nine (99) years from the first Day of April One thousand nine hundred and ninety five SUBJECT to (a) the payment in advance on the first day of January in each

year of the annual rent of shillings two hundred and forty thousand eight hundred thirty (Ksh. 240,830/-) (revisable) v.e.f. 1.4.1999 (b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

[P.T.O.]

DEPARTMENT OF LANDS
DOCUMENT SCANNED

①

6

18

MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES

Telegrams: "Forestry", Nairobi
Telephone: Nairobi 764195 and 764234
When replying please quote

Ref. No. CONF/ED/Z.67/VOL.XIV/(162)
and date



FOREST DEPARTMENT HEADQUARTERS
P.O. Box 30513
NAIROBI

3rd July, 1996

✓ Managing Director
Togirene Projects
P.O. Box 652
LIMURU

This is the Assenture marked "Exhib"
in the Affidavit of G.O. Wanjiku
Statutory Declaration
Sworn on 23/7/2012 Before me
[Signature]
Commissioner For Oaths

Dear Sir,

AUTHORITY TO DEVELOP PLOT NO. LR/21350
FORMERLY PART OF KIAMBU FOREST BLOCK

It has been communicated to us that the above property has been allocated to you and a title deed issued.

Authority is hereby granted to you to develop LR NO. 21350 for the intended purpose.

Yours faithfully,

[Signature]
J. M. MUTIE
FOR: CHIEF CONSERVATOR OF FORESTS

c.c.

The Permanent Secretary
MENR
NAIROBI

(4)

112 1/140998



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)



CERTIFICATE OF TITLE

TITLE NUMBER I.R. 140998

TERM: 99

YEARS FROM 1-4-1995

ANNUAL RENT SHILLINGS 9,315/-

(Revisable)

I HEREBY CERTIFY that KAMA AGENCIES LIMITED

of Post Office Box Number 56476 NAIROBI

in the Republic of Kenya pursuant to the provisions of the said Act 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 First day of April One Thousand Nine Hundred

and Ninety Five of ALL that piece of land situate in Kiambu Municipality

in the Kiambu District containing by measurement Nought Decimal Two Nought Two Five

hectares/acres ~~(less 1000 Reserve)~~ 0.2025 Ha.

~~thereof~~ thereof and being Land Reference Number 21350/32

(Original Number 21350/1/31

as delineated on Land Survey Plan Number 295794

annexed to the said Transfer ~~hereto~~

SUBJECT however to the revisable annual rent of Shillings Nine Thousand Three Hundred and Fifteen and to the Act Special Conditions Encumbrances and other matters specified in the Memorandum hereunder written.

In WITNESS whereof I have hereunto set my hand and seal this 26th day of November Two thousand and Twelve

Registrar of Titles

MEMORANDUM D. M. Njoroge 2009

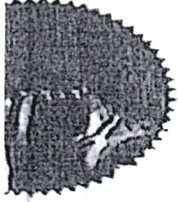
- (1) The Government Lands Act (Chapter 280), 80630/1
- (2) The Special Conditions contained in a Grant registered as Number I.R. 80630/1

OFF 2406-30-0/2010

This certificate of Title is issued under section 70 of RTA (Cap.281) and is in part substitution of a Grant registered as IR. 80630/1

(5)

LAND TITLES REGISTRY - NAIROBI REGISTRY
 REGISTRATION OF TITLE ACT
 REGISTERED IN I.R. 140998
 FILED ON 26th November 2012
 140998
 D. M. Njoroge 2009



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

CERTIFICATE OF TITLE

TITLE NUMBER I.R. 141014

TERM: 99

YEARS FROM 1-4-1995

ANNUAL RENT SHILLINGS 9,305/-

I HEREBY CERTIFY THAT ~~KAVA AGENCIES LIMITED~~ **AGENTS COMPANY LIMITED**

(Revisable)

elhm
18/05/2016
P. M. N...

of Post Office Box Number 56476 NAIROBI

in the Republic of Kenya ~~is now registered proprietor(s) as Lessee(s)~~

from the Government of the Republic of Kenya for the term of Ninety Nine

years for the First day of April One Two thousand Nine Hundred
and Fifty Five of ALL that piece of land situate in Kiambu Municipality
in the Plains District containing by measurement Nought Decimal Two Nought Two Three
~~hundredths~~ (0.2023) Ha.

~~of the area~~ of ~~the area~~ and being Land Reference Number 21350/51

(Original Number 21350/1/50)

as delineated on Land Survey Plan Number 295812

~~annexed to the said~~ ~~plan~~ hereto

SUBJECT however to the revisable annual rent of Shillings Nine Thousand Three Hundred and Five
and to the Act Special Conditions Encumbrances and other matters specified in the Memo-
randum hereunder written.

In Witness whereof I have hereunto set my hand and seal this 26th
day of November Two thousand and Twelve

[Signature]
Registrar of Titles
P. M. N... 2016

MEMORANDUM

- (1) The Government Lands Act (Chapter 280).
- (2) The Special Conditions contained in a Grant registered as Number I.R. 80630/1

~~OFF 3393-1110-1/2000~~

This Certificate of Title is issued under section 70 of RTA (Cap 281)
and is in part substitution of a Grant registered as IR.80630/1

③

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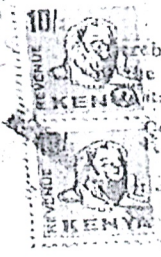
Scanned with CamScanner

FOLLOWING INSTRUMENT IS ENTERED AGAINST THE TITLE
Deed of Rectification rectifying Kama
Agency Limited to read Kama Agents
Company Limited.

Instrument No. 2095 Date 21-09-2016 *[Signature]*

P. M. Ng'ang'a *209

113 2 / 140995



I hereby certify this to be a true copy
of the Original
Stamp duty at 500/-
Copying fee at 20/-
21st December, 2018

[Signature]

B. F. Patisso *208

6

Annex 7.

**MARG RIGDE ESTATE
LIMITED**

L.R No. 21179

KIAMBU FOREST

[Handwritten signature]
1/12/20



1

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 LANDS ACT (Cap. 280) (Repealed)

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

CERTIFICATE OF TITLE

Title No. IR.219594 Term: 99 Years, From: 01/12/1990

Annual Rent Kenya Shillings: one hundred forty thousand only (140000) (Revisable)

I hereby certify that MARGARET WAIRIMU MAGUGU OF (POST OFFICE BOX NUMBER 47958)
NAIROBI

in the Republic of Kenya, pursuant to a Lease are now registered
proprietor(s) as lessee(s) from the Government of the Republic of Kenya for the term
of ninety nine years from the 1st day of December nineteen Ninety

All that piece of land situate in the South of Kiambu Municipality in Kiambu District
containing by measurement two five decimal Nought Nought Hectares (25.00 Hectares)

(less road reserve of Nil Ha/Ac) or thereabouts and being land Reference
Number 21179 (original Number Nil) as delineated on Land Survey Plan
Number 198490 annexed hereto

GP/MP/2211/1000/2018



1

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 LANDS ACT (Cap. 280) (Repealed)

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

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Title No. IR.219594 Term: 99 Years, From: 01/12/1990

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in the Republic of Kenya, pursuant to a Lease are now registered proprietor(s) as lessee(s) from the Government of the Republic of Kenya for the term of ninety nine years from the 1st day of December nineteen Ninety

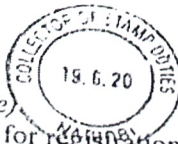
All that piece of land situate in the South of Kiambu Municipality in Kiambu District containing by measurement two five decimal Nought Nought Hectares (25.00 Hectares)

(less road reserve of Nil Ha/Ac) or thereabouts and being land Reference Number 21179 (original Number Nil) as delineated on Land Survey Plan Number 19:490 annexed hereto

Handwritten signature

LA No. 6 of 2012
(to be completed in quadruplicate)

Presentation Book Date received for registration



FORM LA
2

Paid on 20 Receipt No:

CF 199136



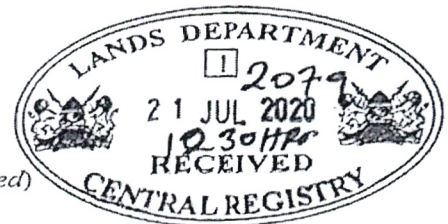
REPUBLIC OF KENYA



Land Administration Officer

SDE 1540
A. Kigatzi 19/5/20

THE LAND REGISTRATION ACT
(No. 3 of 2012)
THE LAND ACT
(No. 6 of 2012)
REGISTERED LAND ACT (Repealed)
REGISTRATION OF TITLES ACT (Repealed)



LEASE

(This LEASE is issued pursuant to the transitional provision in Sections 160 and 161 of the Land Act and Section 108 of the Land Registration Act)

REGISTRATION UNIT Nairobi PARCEL NO LR.NO. 21179

THE NATIONAL GOVERNMENT

in pursuance of a New Grant

HEREBY LEASES to MARGARET WAIRIMU MAGUGU (POST OFFICE BOX NUMBER 47958 NAIROBI)

hereinafter called the Lessee .

ALL THAT piece of land comprised in the Registry Index Map No...../Deed Plan No 198490..... containing by measurement approximately 25.00..... Hectares or thereabouts for the term of 99 Years..... years from the 1st..... day of December..... 1990 at the annual rent of Kenya Shillings 140000 (REVISABLE) WEF 01/05/1990..... payable in advance on the first day of January in each year and subject to the following special conditions

GPF (SP) 7333 - 600m - 05/2019

Handwritten signature and date: 1/12/20

SPECIAL CONDITIONS

1. No further buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with the plans and specifications previously approved in writing by the National / County Government.

The National/County Government shall not give its approval unless it is satisfied that the proposals are such as to develop the land adequately satisfactorily.

2. The Lessee shall maintain in good and substantial repair and conditions all buildings at any time erected on the land.

3. The land and buildings shall always be used for **One private dwelling house (excluding a guest house)**

more than 50% of the

4. The buildings shall not cover area of the land or such lesser area as may be prescribed by the National / County Government Development Control Regulations.

5. The land shall not be used for any purpose which the National / County Government considers to be dangerous or offensive.

6. The Lessee shall not subdivide, change or extend use of the land, without prior written consent and approval of the National Government or County Government.

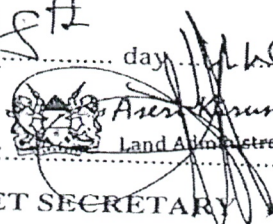
7. The Lessee shall not sell, transfer, sublet, charge or part with possession of the land or any part thereof or any building thereon except with prior consent in writing of the National / County Government.

8. The Lessee shall from time to time pay to the National / County Government on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the National Government/County Government may assess.

3

9. The Lessee shall pay such rates, charges, duties, assessments or outgoings of whatever descriptions as may be imposed charge or assessed by the National / County Government on behalf of the National / County Government upon the land or the buildings erected thereon, including any contribution or other sum paid in lieu thereof.
10. The National Government or respective County Government or such other 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 main service pipes and drains, telephone wire, fiber optic and electric mains of all descriptions whether overhead or underground and the Lessee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or Services pipes or fiber optic or telephone wires and electric mains.
11. The National Government/County Government may revise the annual ground rent payable Such rental shall be at a rate to be determined by the National Government /County Government of the unimproved value of the land.

Dated this 15th day 11th 2020


Aser Karungu *015
Land Administration Officer

SIGNED BY:
For: CABINET SECRETARY

COMMON SEAL of the Lessee was affixed hereto in the presence of:

 1/12/24

Handwritten signature/initials

Traced by *Kenya*

Comparison by *Kenya*

G.O. Wajumbura
Licensed Surveyor

Scale 1 in 5000

12TH AUGUST 2020

WILSON MUMBI

10/02/2021

G.O. BBARA
for Director of Surveys

Nairobi 15TH SEPTEMBER 1995

DEED PLAN No. 198490

IR 219594

Land Reference No. 2179

(Orig. No.)

Sub division No. (Orig. No.)

of Section No.

Area = 25.00 Ha. (Approx.)

DISTRICT OF KILIMBARI

Locality South of Kilimbari Municipality

Reference Map 1991/1

Transit	Bearing	Distance
A-B	180° 00'	180
B-C	270° 00'	270
C-D	090° 00'	90
D-E	360° 00'	360
E-A	000° 00'	00

42
L
23

D

M. E. Hon. D. T. arap Moi, C.O.M., M.P.,
President and Commander-in-Chief of
The Armed Forces,
Republic of Kenya
State House,
NAIROBI.

Approved
Samuel Njoroge
9/1/90.

Your Excellency,

I attach a sketch plan of a plot of 22 hectares just off
Kiambu road and generally known as Kiambu forest reserve;
adjacent to the 39 hectares which was granted to Kiambu
Women groups several years ago by Your Excellency.

The general area is sandy, covered with poor grass undergrowth,
poor eucalyptus and murrum.

The purpose for which I am applying for the plot is to develop
light industries and low cost houses for workers and neighbourin
Kiambu township residents.

Your Excellency, I shall be most grateful for your consent to
my request.

Yours sincerely,



HON. A. K. MAGUGU, EGH., MP.,
MINISTER FOR COMMERCE.

GAZETTE NOTICE No. 5846

THE FORESTS ACT
(Cap. 385)

INTENTION TO ALTER BOUNDARIES—KIAMBU FOREST

IN ACCORDANCE with the provisions of section 4 (2) of the Forests Act, the Minister for Natural Resources gives twenty-eight (28) days' notice, with effect from the date of publication of this notice, of his intention to declare that the boundaries of the Kiambu Forest, shall be altered so as to exclude the area described in the schedule hereto.

SCHEDULE

An area of land of approximately 25 hectares, known as L.R. No. 21179, lying within and adjoining the western boundary of Kiambu Forest, situated approximately 2.5 kilometres south-east of Kiambu Township, Kiambu District, Central Province, the boundaries of which are more particularly delineated, edged red, on the Boundary Plan No. 175/371 which is signed and sealed with the seal of the survey of Kenya and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the Office of the District Forest Officer, Forest Department, Muguga.

Dated the 8th October, 1998.

F. P. U. LOTODO,
Minister for Natural Resources

GAZETTE NOTICE No. 5847

LEGAL NOTICE No. 56

THE FORESTS ACT

(Cap. 385)

KIAMBU FOREST

ALTERATION OF BOUNDARIES

IN EXERCISE of the powers conferred by section 4 (1) of the Forests Act, the Minister for Natural Resources declares that the boundaries of Kiambu Forest shall be altered so as to exclude the area described in the Schedule hereto.

SCHEDULE

An area of land of approximately 25 hectares, known as L.R. No. 21179, lying within and adjoining the western boundary of Kiambu Forest, situated approximately 2.5 kilometres south-east of Kiambu Township, Kiambu District, Central Province; the boundaries of which are more particularly delineated, edged red, on the Boundary Plan No. 175/371, which is signed and sealed with the seal of the Survey of Kenya and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the Office of the District Forest Officer, Forest Department, Muguga.

Dated the 12th May, 1999.

F. P. L. LOTODO,
Minister for Natural Resources.



REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

DEPARTMENT OF LANDS
HONGONG AVENUE
OFF HONGONG ROAD
P.O. Box 30069
NAIROBI

10

Telegrams "Lands", Nairobi
Telephone: Nairobi 022170350
When replying please quote

Date: 26th March, 2021

Ref. No. CLR/V/39/Vol.XIX

The Director of Survey
P.O. Box 30046-00100
NAIROBI

RE: LR. NO. 21179-I.R. 219594 KIAMBU COUNTY

Reference is to my letter Ref. No. GEN/CR/SCN dated 2nd March, 2021 and your letter Ref. No. AC/62/C/ Vol.39/78 dated 23rd March, 2021 on the above subject matter.

Records available in our offices indicate that the subject parcel was a government forest land up until 8th October, 1998 when the Government excised it by de-gazettment it vide legal Notice No.5846 of 8th October, 1998.

We have also established that the alleged grant I.R. No.67273 issued to Webeso Investment Limited for a term of 99 years from 1st April, 1991 was irregularly obtained as the above parcel was still gazetted as government land and was not available for allocation.

Please note that the title held by Marg Ridge Estate Limited is genuine.

LONG'OLENYANG
R: CHIEF LAND REGISTRAR

12

REPUBLIC OF KENYA

Telegrams: "Lands", Nairobi
Telephone: Nairobi 27471/1xt
MARGARET WAIRIMU MAGUGU
P.O. BOX 47958
NAIROBI
Ref. No. 41680/VIX/28(A)

DEPARTMENT OF LANDS
P.O. Box 30089
Nairobi

5th March 1990

REGISTERED

UNS. RESIDENTIAL PLOT - KIAMBU TOWN

SIR(S) / MADAM,

LETTER OF ALLOTMENT

I have the honour to inform you that the Government 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: 22.0 hectares or acres (approximately)
TERM: 99 years from the 1.3.1990
STAND PREMIUM: Sh. 700,000/= } Subject to adjustment on Survey
ANNUAL RENT: Sh. 140,000/= }

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)

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with your cheque for the amount as set out below:-

Stand Premium	.....	.....	.....	.....	.....	.....	Sh. 700,000/=
Rent from	1.3.1990	to	31.12.1990	.....	.....	.....	93,333/=
Conveyancing Fees	.....	.....	.....	.....	.....	.....	500/=
Registration Fees	.....	.....	.....	.....	.....	.....	100/=
Rates, proportion of (provisional)	.....	.....	.....	on demand	.....	.....	-
Stamp Duty	.....	.....	.....	.....	.....	.....	30,800/=
Survey Fees	.....	.....	.....	.....	.....	.....	-
Road and Road Drains	.....	.....	.....	.....	.....	.....	-
Sewers	.....	.....	.....	.....	.....	.....	-
Receipt No.	.....	.....	.....	.....	.....	.....	-
				Less Deposit	.....	.....	-
				TOTAL	.....	Sh.	824,733/=

Signature and stamp area with handwritten number 112/21

[P.T.O.]

2

If acceptance and payment respectively are not received within.....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 will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the draft grant which will be submitted later for your acceptance. sent to you after registration. The attached special conditions form part of the offer and should be accepted in writing.

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

Authority: Thika Municipality
P.A.C. of 6th and 15th May, 1987
File 103749/14/11/477


.....
The Commissioner of Lands

ENCL.

COPY TO :— P/S. M.L.S. & H - NAIROBI

The Director of Surveys, Nairobi.

The Town Clerk, P.O. Box 240, Thika

~~The Clerk to the Council, County of Kiambu~~

The District Commissioner, P.O. Box 32, Kiambu

~~The Town Planning Officer, Nairobi.~~

~~The City Valuation Officer, City of Nairobi~~

The Director of Physical Planning,
Nairobi

O /C Land Rents.)

The D.L.O, Box 281, Kiambu.

Rates Assistant.)

The Accountant.)

O/C Records.)

All to note.

Senior Plan Record Officer.)

Plot File.)

GPK(L)

THE ELEVENTH PARLIAMENT



NATIONAL ASSEMBLY – FOURTH SESSION

**SENATE AMENDMENTS TO THE
CLIMATE CHANGE BILL
(NATIONAL ASSEMBLY BILL NO
OF 2014)**

Circulated pursuant to the provisions of
Standing Order 145 of the National Assembly
Standing Order

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SENATE AMENDMENTS TO THE CLIMATE CHANGE BILL
(NATIONAL ASSEMBLY BILL NO. 1 OF 2014)

(As passed by the Senate on Tuesday, 1st December, 2015)

CLAUSE 2

Senate Amendment

THAT, clause 2 of the Bill be amended in the definition of the word “Cabinet Secretary” by deleting the words “Cabinet affairs” appearing immediately after the words “responsible for” and substituting therefor the words “matters relating to climate change”.

CLAUSE 3

Senate Amendment

THAT, clause 3 of the Bill be amended in subclause (2) by inserting the word “and” immediately after the word “intergenerational” appearing in paragraph (e).

CLAUSE 5

Senate Amendment

THAT, clause 5 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after the introductory clause -

- (a) the Deputy President who shall be the vice-chairperson to the Council;

CLAUSE 7

Senate Amendment

THAT, clause 7 of the Bill be amended -

subclause (2) by -

deleting paragraph (g);

inserting the words “nominated by the body representing the largest number of institutions in the private sector” immediately after the words “private sector” appearing in paragraph (f);

inserting the words “who has knowledge and experience in matters relating to indigenous knowledge” immediately after the words “of the Commission” appearing in paragraph (h);

(b) in subclause (3) by deleting the words “(2)(f), (g) and (h)” appearing immediately after the words “under subsection” and substituting therefor the words “(2)(f), (g), (h) and (i)”; and

(c) in subclause (4) by inserting the words “and the Senate” immediately after the words “the National Assembly”.

CLAUSE 13

Senate Amendment

THAT, clause 13 of the Bill be amended in subclause (4) by inserting the words “of the Action Plan” immediately after the words “for mainstreaming”.

CLAUSE 14

Senate Amendment

THAT, clause 14 of the Bill be amended in subclause (1) by inserting the words “and mitigation against” immediately after the words “adaptation to” appearing in paragraph (a).

CLAUSE 17

Senate Amendment

THAT, clause 17 of the Bill be amended in subclause (1) by deleting the word “give” appearing immediately after the words “with instructions” in paragraph (b) and substituting therefor the word “prescribed”.

New Clause 25A

Senate Amendment

THAT, the Bill be amended by inserting the following new clause immediately after clause 25 –

Incentives for
the promotion
of climate
change
initiatives.

25A. (1) The Cabinet Secretary shall, in accordance with the appropriate law, and in consultation with the Cabinet Secretary responsible for finance, grant to persons who –

- (a) encourage and put in place measures for the elimination of climate change including reduction of greenhouse emissions and use of renewable energy;
- (b) put in place measures to mitigate against the

adverse effects of climate change;

- (c) are involved in the conduct of accredited training in programmes that are aimed at eliminating climate change;

such incentives as may be necessary for the advancement of the elimination of and mitigation against climate change and the effects of climate change.

(2) The Cabinet Secretary shall, for the purpose of subsection (1), in regulations set out the nature of the incentives, the conditions for the grant or withdrawal of such incentives and such other matter as may be necessary for the exercise of the power conferred under subsection (1).

(3) In granting incentives under subsection (1), the Cabinet Secretary shall take into account international standards and best practice.

(4) The Cabinet Secretary shall make the regulations specified under subsection (2) within a period of twelve months from the commencement of this Act.

CLAUSE 32

Senate Amendment

THAT, clause 32 of the Bill be amended in subclause (1) by deleting the word “one” appearing immediately after the words “fine not exceeding” at the end of the subclause and substituting therefor the word “ten”.

CLAUSE 35

Senate Amendment

THAT, clause 35 of the Bill be amended in subclause (1) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”.

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CERTIFIED COPY OF THE ORIGINAL

3/12/21

for Government Printer

735

21st July, 1995

Gazette Supplement No. 49

(Legislative Supplement No. 34)

Notice No. 260

THE FORESTS ACT

(Cap. 385)

ALTERATION OF BOUNDARIES—KIAMBU FOREST

IN EXERCISE of the powers conferred by section 4 (1) of the Forests Act, the Minister for Environment and Natural Resources declares that the boundaries of Kiambu Forest shall be altered so as to exclude the area described in the Schedule

SCHEDULE

An area of land of approximately 29.68 hectares, known as P.L.R. No. 15153, lying within and adjoining the eastern boundary of Kiambu Forest, situated approximately 2.5 kilometres south-east of the Kiambu Township, in the Kiambu District, Central Province, the boundaries of which are more particularly delineated, edged red, on the boundary plan No. S.R. 352, which is signed and sealed with the seal of the Survey of Kenya and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the office of the District Forest Office, Forest Department, Langata.

Dated the 11th July, 1995.

J. K. SAMBU,
Minister for Environment and Natural Resources.

Notice No. 261

THE STAMP DUTY ACT

(Cap. 480)

EXEMPTION

IN EXERCISE of the powers conferred by section 106 of the Stamp Duty Act, the Minister for Finance directs that the instruments executed in respect of purchase and transfer of Plot No. 33408/111/208, situated in Langata, Nairobi, from Mawanga Enterprises Limited, of P.O. Box 22876, Nairobi to Langata Islamic Welfare Organization, of P.O. Box 31038, Nairobi, shall be exempt from the provisions of the Act.

Dated the 14th July, 1995:

MUSALIA MUBAVADI,
Minister for Finance.

This led to the arrests and arraignment of two persons at Klambu Law Court vide Criminal Case No.257 of 2018 for the Offence of Constructing a Road in the Forest without Authority Contrary to Section 64(1)(I) as Read with Section 64(2) of the Forest Act No. 34 of 2016. The case was heard and the 1st accused person was acquitted under Section 210 of the CPC while the 2nd accused person was discharged unconditionally.

Shooting of the Deceased

On the 15th day of July, 2021 at around 1655hrs, one Ndambu Muteml a watchman to Joannah Wendy Stutchbury vide OB No.03/15/07/2021 reported to Kugeria Patrol Base that the deceased was attacked and shot dead by unknown gunmen at around 1635hrs while driving her motor vehicle Reg. No. KBS 710A Mitsubishi Mini Pajero along the drive way to her home.

Police officers responded immediately and secured the scene. The crime scene was forensically examined and analyzed by experts and all relevant exhibits were collected for further examination.

At the scene, the investigators noted that the deceased had several gunshot wounds and nothing had been stolen from her. Her shopping, wallet, phone and other belongings were found intact inside her car thus robbery with violence was ruled out.

Preliminary Investigations

Investigations were commenced to unearth the probable motive for the murder. The DCI constituted a team of specialists drawn from the following units:

1. Crime Research and Intelligence Bureau
2. Homicide Department
3. Cyber Forensics Experts
4. Crime Support Services
5. Firearm Ballistics Experts
6. The local Sub County Criminal Investigation team

The team was tasked to establish the motive and the Criminals behind the grisly murder of Ms. Joannah. Preliminary investigations reveal that the deceased's resistance to the encroachment and illegal construction of a road on LR. No. 21179 F/R.NO.284/108 may have been the probable motive behind the murder.

Notably, the autopsy done by the Chief Government Pathologist Dr. Johansen Oduor on the 19th July, 2021, revealed that the deceased died as a result of multiple injuries due to gunshots from a low velocity firearm at a close range.

Samples and exhibits recovered are equally undergoing forensic, cyber and ballistic examinations to link persons of interests to the murder.

Illegal acquisition of Kiambu Central Forest Land

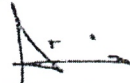
Preliminary investigations have established that Ms. Joanna Wendy Stutchbury might have been murdered due to her strong position and passion for preservation of environment at Kiambu Forest area against the will of the illegal developers who wanted to construct a road in the wetland area to gain access to their illegally acquired properties.

For the above reasons, the DCI has initiated investigation into the suspected illegal acquisition of Government land known as LR. NO. 21179 F/R.NO.284/108 gazetted as a Forest Reserve vide Proclamation No. 44 of 1932 covering an area of 133.95Ha. The investigators further have established that the same was alienated as government land for the purpose of forestry development vide Legal Notice No. 174.

DCI Detectives have been able to establish that Kiambu Central Forest boundaries and beacons are intact, however a total of 131.38Ha has been illegally allocated to individuals and companies and that only 2.57Ha of the said forest land remains as Kiambu Central Forest land.

The Detectives are now zeroing in on how these individuals and/or companies acquired and subsequently sub-divided the above government land into individual parcels and whether this has a nexus with Joanna murder. Further investigation into the murder of Ms. Joanna is still on-going and so far, several persons of interest have been interviewed and their statements recorded. Forensic investigations and analysis of all exhibits is on course.

This report is hereby submitted for your information.


GEORGE KINOTI, CBS
DIRECTOR OF CRIMINAL INVESTIGATIONS

