



COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
FIRST ASSEMBLY - (THIRD SESSION)
VOTES AND PROCEEDINGS
WEDNESDAY, FEBRUARY 11TH, 2015 AT 2.30PM.

1. The Assembly convened at thirty minutes past two O'clock.
2. The proceedings were opened with prayer.
3. Hon. Speaker on the Chair.
4. **MOTION ON THE REVOCATION OF LEASE AND RECOVERY OF LAND PARCEL NO. NZAMBANI/MALUMA/529. (Member for Nzambani Ward).**

Motion made and question proposed;

CONSCIOUS that the issues of land, its ownership, use and management is a highly sensitive one in Kitui;

AWARE that in 2004, the defunct County Council of Kitui leased land title no. NZAMBANI/MALUMA/529 to Nzambani Rock Development Company Limited for a period of 99 years.

FURTHER AWARE that the Company acquired the lease upon giving an undertaking land and initiate projects aimed at marketing the area as a major tourist attraction site thereby placing Kitui on the map as far as tourism is concerned.

CONCERNED that the Company failed to honour their promises and thus the spirit that informed the lease has actually been lost. This is in reference to the failure to uphold the undertaking made by the company, to construct 10 (ten) cottages at the

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site as per the plan and elevation drawings provided, supply water and electricity in addition to the failure to pay land rent and rates to the relevant authorities;

FURTHER CONCERNED that the failure by the Nzambani Rock Development Company Limited to undertake any tangible developments on the land since the lease came into force in 2004, denies the County Government of Kitui and its residents expected revenues which could be utilized to fund several crucial and important programmes to benefit the County and its residents.

NOTING that Section 12(9) of the Land Act 2012 expressly provides for the automatic reversion of land back to the County Government where the land is not developed in accordance with the terms and conditions stipulated in the lease;

FURTHER NOTING that Section 31(1) (b) of the same Act stipulates that if any part of the land rent remains unpaid for a period of 12 months after becoming due, the National Land Commission, by acting on their mandate under Article 67(2) of the Constitution, can institute a suit for the recovery of the said land after giving at least one month notice or the notice stipulated in the lease document;

This Assembly therefore resolves that the County Ministry of Lands (in consultation with the National Land Commission where necessary) to;

- i) take urgent and comprehensive measures to revoke the lease and recover the subject land pursuant to the provisions of Section 12(9) of the Land Act, 2012 and revert the said land back to County Government; or
- ii) institute a suit for the recovery of the said land in the relevant court of law in accordance with the provisions of section 30 and 31 of the Land Act, 2012
- iii) That upon revocation and subsequent reversion, the County Ministry of Tourism and Natural Resources be awarded the land to initiate a project that will seek to promote the area as a key tourist destination in addition to establishing a recreational center and a museum for showcasing cultural artifacts.

(Hon Robinson Mativo)

Debate arising;

Question put and **agreed to.**

Resolved Accordingly;

CONSCIOUS that the issues of land, its ownership, use and management is a highly sensitive one in Kitui;

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AWARE that in 2004, the defunct County Council of Kitui leased land title no. NZAMBANI/MALUMA/529 to Nzambani Rock Development Company Limited for a period of 99 years.

FURTHER AWARE that the Company acquired the lease upon giving an undertaking land and initiate projects aimed at marketing the area as a major tourist attraction site thereby placing Kitui on the map as far as tourism is concerned.

CONCERNED that the Company failed to honour their promises and thus the spirit that informed the lease has actually been lost. This is in reference to the failure to uphold the undertaking made by the company, to construct 10 (ten) cottages at the site as per the plan and elevation drawings provided, supply water and electricity in addition to the failure to pay land rent and rates to the relevant authorities;

FURTHER CONCERNED that the failure by the Nzambani Rock Development Company Limited to undertake any tangible developments on the land since the lease came into force in 2004, denies the County Government of Kitui and its residents expected revenues which could be utilized to fund several crucial and important programmes to benefit the County and its residents.

NOTING that Section 12(9) of the Land Act 2012 expressly provides for the automatic reversion of land back to the County Government where the land is not developed in accordance with the terms and conditions stipulated in the lease;

FURTHER NOTING that Section 31(1) (b) of the same Act stipulates that if any part of the land rent remains unpaid for a period of 12 months after becoming due, the National Land Commission, by acting on their mandate under Article 67(2) of the Constitution, can institute a suit for the recovery of the said land after giving at least one month notice or the notice stipulated in the lease document;

This Assembly therefore resolves that the County Ministry of Lands (in consultation with the National Land Commission where necessary) to;

- i) take urgent and comprehensive measures to revoke the lease and recover the subject land pursuant to the provisions of Section 12(9) of the Land Act, 2012 and revert the said land back to County Government; or
 - ii) institute a suit for the recovery of the said land in the relevant court of law in accordance with the provisions of section 30 and 31 of the Land Act, 2012
- That upon revocation and subsequent reversion, the County Ministry of

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- iii) Tourism and Natural Resources be awarded the land to initiate a project that
- iv) Will seek to promote the area as a key tourist destination in addition to establishing a recreational center and a museum for showcasing cultural artifacts.

5. ADJOURNMENT.

And the time being seven minutes past Four o'clock, the Hon Speaker adjourned the house.

6. HOUSE ROSE- at seven minutes past four O'clock.

MEMORANDUM

*The Honourable Speaker will take the chair on
Thursday 12th February, 2015 at 2.30 pm*