



LAND SURVEY POLICY

2021

ARRANGEMENT OF SECTIONS

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1.0 OUR IDENTITY

1.1 Vision

To be a leading global technology and innovation hub

1.2 Mission

To develop a sustainable smart city and an innovation ecosystem, contributing to Kenya's knowledge-based economy

1.3 Mandate

The mandate of KoTDA is to develop Konza Technopolis as a globally competitive smart city by creating an enabling environment through utilization of ICT for socio-economic development.

1.4 Strategic Objectives:

- Develop and manage a world-class smart city with a vibrant, safe and secure, healthy and sustainable ecosystem.
- Form partnerships with other actors in the National Innovation System, to recruit, attract, and develop high-end talent as well as create relevant, and smart innovative solutions and commercialize them.
- Mobilize adequate and sustainable funding to meet the Authority's mandate and changing needs of the business community and residents.
- Create a strong brand and image of Konza Technopolis that will attract, facilitate and retain investors.
- Ensure that the Authority has adequate institutional capacity to fulfil its mandate.



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FOREWORD

The Management of Konza Technopolis Development Authority recognizes the critical role of ethical service and professionalism in service delivery in addition to concerted efforts from staff as a means to achieve the Authority's Vision, Mission and Mandate.


In order to promote transparency and accountability in the Authority, it is important to define the Authority's standards of practice to regulate behaviours, interactions and actions of its members of staff. The Management recognizes unethical and unprofessional conducts as impediments to social and economic development which also undermines confidence in public institutions.

The KoTDA Land Survey Policy outlines the standards for the Authority's undertaking of Land Surveys and associated services. This will ensure that the Authority engages with communities in land survey activities that enhances sustainable development with integrity and without diminishing the Authority's reputation.

To inform the standards of practice stipulated in this Code, this document takes cognizance of the Authority's Vision, Mission, Values and Mandates. It also incorporates the statutory provisions of various acts namely; *The Survey Act*, *The Land Act 2012*, *The Public Participation Bill 2018*, *Public Procurement and Disposal Act 2015*, *The Public Officer Ethics Act 2003*, *The Civil Service Code of Regulations Revised 2006*, *The Public Service Commission Act Cap 185*, *The Anti-Corruption and Economic Crimes Act 2003* and other relevant regulations.

To create a physical environment that fosters corporate innovation for the furtherance of our goal of developing a smart city, it is important to have the free social environment.

I therefore call for a concerted effort from our staff, stakeholders, investors, development partners and the community to support the Authority through adherence to this Policy. Any incidence of unethical practice should be reported to the Authority.

 Date: 18/06/21
Eng. John Tanui, MBS
CHIEF EXECUTIVE OFFICER



1.5 INTRODUCTION

Konza Technopolis is a smart city designed and implemented by the government of Kenya to enhance Kenya's innovation ecosystem and digital economy by providing the missing infrastructural and technological link.

Konza Technopolis can only be able to achieve that if there is a strong cadastral background defining the extents of parcels, streetscapes as well as orientation of horizontal infrastructure to avert encroachments.

The land survey policy therefore seeks to codify and domesticate regulations and provisions governing cadastral survey within the Technopolis. Cadastral surveying is the discipline of land surveying that relates to the laws of land ownership and the definition of property boundaries.

It involves interpreting and advising on boundary locations, on the status of land ownership and on the rights, restrictions, and interests in property, as well as the recording of such information for use on plans and maps. It also involves the physical delineation of property boundaries and determination of dimensions, areas and certain rights associated with properties, whether they are on land, water, air or defined by natural or artificial features.

Cadastral surveys are generally performed to subdivide land into parcels for ownership under a certificate of title or lease and to re-establish boundaries of previously surveyed properties to determine the physical extent of ownership or to facilitate the transfer of the property title.

The jurisdiction of the KoTDA Land Survey policy applies to all the transactions involving land survey within the Technopolis with respect to the master plan.

It comprehensively covers the process through which parcels shall be delineated and demarcated, approved and authentication of relevant plans depicting the parcels by the survey of Kenya.

Therefore, KoTDA shall survey all the parcels in accordance with this policy as well as other applicable statutes and regulations governing land survey.



1.6 PROJECT BACKGROUND

Konza Technopolis is envisioned to be a sustainable, world-class technology hub and a major economic driver for Kenya, with a vibrant mix of businesses, workers, residents, and urban amenities. Konza will create high value jobs; boost the country's GDP by focusing on Research, Development and Entrepreneurship in the Science Technology and Innovation (**STI**) sector. This will position Kenya as a global center for innovation and Africa's technology hub.

Konza will be a 'smart city' with highly advanced overall infrastructure, sustainable developments, communication networks and market viability. Konza will feature world-class civic and commercial architecture and it will be a Regional Innovation Hub; Konza will also host a high quality Technology University, Smart Schools, Research Labs, Recreational Facilities (Sports Stadium, Film and Media Centre), Hospitality (Hotels and Convention Centers), Smart City Solutions (Smart Traffic, Smart Parking and Smart Governance) and world-class infrastructure.

1.7 Fundamental Objectives of this Policy

The overall objective of this Policy is to facilitate the development of a Technopolis with a cadastral that is reliable and authentic as springboard in ensuring that parcels conveyed to investors are of correct sizes and dimensions as envisaged by the masterplan. This policy therefore provides a framework of procedures in carrying out cadastral surveys as an element in land administration and management that will:

- 1.7.1 Ensure all parcels are surveyed as guided by the master plan.
- 1.7.2 Ensure there is a reliable cadastral system from which other utilities can be mapped.
- 1.7.3 Ensure horizontal infrastructure is properly guided and oriented.

1.8 Justification/ Rationale of Policy

In the course of dispensing its mandate, KoTDA has recognized that:

- 1.8.1. The legal and regulatory framework currently in place is inadequate to cater to the needs of KoTDA with regard to surveying of Parcels, and to this end, KoTDA requires a policy framework that defines and delineates its responsibilities *vis a vis* the existing legal and regulatory framework.

1.8.2. KoTDA requires a policy framework that builds upon the provisions of the Master Plan, defines and delegate the roles and responsibilities required to be performed to achieve the objectives of the Master Plan.

2.0 Scope

This Policy applies in surveying of all Parcels within the Technopolis. It also covers the process through which Parcels shall be surveyed and authenticated. KoTDA shall survey all parcels within the Technopolis in accordance with this Policy and all other enabling statutes, regulations, and guidelines.

3.0 Interpretation

In this Policy, unless the context otherwise requires, the following expressions shall have the following meanings:

***Board** means the board of directors of KoTDA*

***CEO** means the Chief Executive Officer of KoTDA*

***KoTDA** means the Konza Technopolis Development Authority*

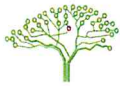
***'Director'** means the Director of Surveys appointed under section 3 of the survey Act.*

***"licensed surveyor"** means a surveyor duly licensed as a surveyor under or by virtue of the provisions of Survey Act.*

***"plan"** includes a map, diagram or aerial photograph approved by the Director as suitable for survey purposes.*

***"survey mark"** means any trigonometrical station, fundamental benchmark, benchmark, boundary beacon, peg, picket mark or pole, whether above or below the surface of the ground, which is fixed, placed, or set up by, or under the direction of a surveyor for the purpose of any survey.*

***"surveyor"** means a KoTDA land surveyor, a Land surveyor under the Director of Surveys or a licensed surveyor.*



Land Laws means, the Land Registration Act No. 3 of 2012, the Land Act No. 6 of 2012 and the National Land Commission Act 2012 and the constitution of Kenya.

Laws means any statute, rules, regulations, statutory instruments, codes of practice, circulars, guidance notes, orders of the National Government, County Government, government ministries and other bodies having statutory or regulatory competence to promulgate rules and regulations having the force of law.

Master Plan means the plan which sets out the overall development concept and vision of the City which plan shall include present and future land use, urban design, and landscaping, built form, infrastructure, circulation and service provision.

Parcel means a parcel of land, which, on its own, would be eligible for a building permit, or can be assembled or consolidated with other land to increase the development or redevelopment potential of the whole, and includes any parkland or part of any park and the term *Parcels* shall be construed accordingly.

3.0 ADMINISTRATION

There shall be established a Land Survey and GIS Unit (LSGIS) responsible for all cadastral surveys within the Technopolis. The unit shall act on delegated roles as maybe directed from time to time by the CEO through the Chief Manager, Physical Planning, Design and Compliance (PPD&C) Department.

4.0 THE CONDUCT OF SURVEYS

4.1 Every surveyor shall carry out every survey undertaken by him in such manner as will ensure that the survey accords in all respects with the provisions of this policy and any relevant statute, regulations, and guidelines

4.2 Neither the KoTDA nor KoTDA Officer incharge of survey shall be liable for any defective survey, or any work appertaining thereto, performed by a licensed surveyor, notwithstanding that any plan relating to such survey or work has been authenticated in accordance with the requirements and provisions of this policy and the survey Act or accepted for registration under any written law for the time being in force relating to the registration of transactions in or of title to land.



4.3 The conduct of surveys shall also be in conformity with the all other relevant land laws.

4.4 Boundaries of Roads, nature trains, wayleaves and railway reserves utility easements shall be taken as a line parallel to the centre line of the road or railway at such distance from it as may be specified.

4.5 Sketched topographical features shall be recorded where possible, and with special care in the vicinity of a beacon to facilitate its location.

4.6 Degree of accuracy for computing areas shall be as specified in the following table:

Parcels not exceeding 1 hectare	0.0001Ha
Parcels over 1 hectare and up to 10 hectares	0.001Ha
Parcels over 10 hectares and up to 1,000 hectares	0.01 Ha

Rationale section ,...justifying why Ha not acres

4.7 All surveys within the Technopolis shall be carried out with Universal Transverse Mercator (UTM) Arc 1960 as the Datum Zone 37 South of the Hemisphere. (Arc 1960 / UTM zone 37S).

4.8 A beacon Certificate shall be issued for every parcel after survey, resurvey or reestablishment of beacons is complete. This can also be done before a construction permit is issued. ...shall have a beacon certificate from a LS

6.0 PRESERVATION OF SURVEY MARKS

6.1 Every investor shall take responsibility to protect every survey mark erected or placed on the land owned or occupied by him.

6.2 The investor shall pay to the Authority the cost of restoring any survey mark erected or placed on the land owned or occupied by him (including the cost of any survey made for that purpose) which has been removed, destroyed, displaced, defaced, mutilated, obliterated or broken, or the position of which has been altered, unless any other person has been convicted of an offence under section 29 of the Survey Act in respect of that survey mark; and such cost shall be a civil debt recoverable summarily.



6.3 It shall be the duty of every investor to ascertain, within sixty days after receiving the lease documents, that the survey marks shown on any plan are in place as shown on the plan.

6.4 If the investor notifies the Authority in writing that he is unable to find the survey marks shown on the plan attached thereto and referred to therein, and deposits with the Authority a sum which, in the estimation of the Authority, is sufficient to cover the cost of the inquiry, the Authority shall inquire into the matter.

6.5 If as a result of any such inquiry the Authority finds that the survey marks are not in place as shown on the plan, he shall cause survey marks to be erected or placed in accordance with the plan, and, in such case, the sum deposited shall be refunded to the investor.

6.6 If as a result of such inquiry the Authority finds that the survey marks are in place as shown on the plan, the sum deposited, or such portion thereof as shall be sufficient to cover the cost of such inquiry, shall be forfeited and paid into the consolidated fund.

7.0 SURVEY PLANS AND RECORDS

7.1 Every surveyor who executes any survey in accordance with the provisions of this policy, the Survey Act and guidelines made herein shall send to the Director all plans, field notes and computations relating thereto, and all such plans, field notes and computations shall be deposited in the Survey Office and shall become the property of the Government.

7.2 Copies of duly authenticated plans shall also be supplied to the Authority for recording.

7.3 No plan deposited with the Director in accordance with policy shall be altered or amended in any way without the express permission of the Board through the CEO.



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8.0 AUTHENTICATION OF PLANS

8.1 No parcel within the Technopolis shall be deemed to have been surveyed or resurveyed until the plans (Survey plans and Registry Index Maps) thereof have been authenticated by the signature of the Director or of a Government surveyor authorized in writing by the Director in that behalf, or by the affixing of the seal of the Survey of Kenya.

