

**SURVEY AUDIT REPORT FOR KYADONDO BLOCK 273 PLOTS 23974, 23975, 23976 AND 23977 AND KYADONDO BLOCK 273 PLOT 38 AND PLOTS 87,99,110,165,167,169,174,175 AND 193**

INSTRUCTIONS BY:

**KIHAM ENTERPRISES (U) LIMITED  
P. O. BOX 2183, KAMPALA UGANDA  
PLOT 923, MAKERERE HILL ROAD  
HAM TOWERS, MAKERERE  
4<sup>TH</sup> FLOOR, SUITE 02**

INSTRUCTIONS TO:

**WILLIAM MATOVU  
REGISTERED SURVEYOR OF UGANDA  
SURVEYORS' REGISTRATION BOARD NO. 213,  
FELLOW WITH INSTITUTE OF SURVEYORS OF UGANDA  
P. O. BOX 4937, KAMPALA UGANDA**

PURPOSE OF SURVEY:

- 1. To ascertain whether or not the Freehold certificates of titles owned by Kiham Enterprises (U) Limited comprised in Kyadondo Block 273 Plots 23974, 23975, 23976 and 23977 at Kigo were erroneously and Illegally created over the official mailo certificates of title owned by the Kabaka of Buganda comprised in Kyadondo Block 273 Plots 38 and Plots 87,99,110,165,167,169,174,175 and 193.**
- 2. To ascertain whether or not the above mentioned Freehold certificates of title in (1) overlap with the official Mailo Interest owned by the Kabaka of Buganda.**

**17<sup>TH</sup> MAY 2022**

## **SURVEY AUDIT REPORT**

### **SURVEY AUDIT REPORT FOR KYADONDO BLOCK 273 PLOTS 23974, 23975, 23976 AND 23977 AND KYADONDO BLOCK 273 PLOT 38 AND PLOTS 87,99,110,165,167,169,174,175 AND 193**

#### **Background**

There is an ongoing conflict between the Buganda Land Board (BLB) and Kiham Enterprises (U) Limited on the legal existing of Freehold Certificates of Titles comprised in Block 273 Plots 23974, 23975, 23976 and 23977 land at Kigo registered in the name of Kiham Enterprises (u) Limited.

The ongoing conflict is in two fold;

1. BLB claims that Freehold certificates of titles comprised in Kyadondo Block 273 Plots 23974, 23975, 23976 and 23977 land at Kigo, were **erroneously** and **illegally created over** the Official Mailo Certificates of titles comprised in Kyadondo Block 273 Plot 38 and Plots 87,99,110,165,167,169,174,175 and 193 formerly registered under F. C. No. 18454 belonging to the Kabaka of Buganda.
2. BLB further claims that the Freehold Interest in the above stated titles (owned by Kiham Enterprises (U) Limited) **overlap** with the Official Mailo Interest owned by the Kabaka of Buganda comprised in Kyadondo Block 273 Plot 38 and Plots 87, 99, 110, 161, 165, 167, 169, 173, 175, 184, 191 and 193.

#### **Purpose of Survey**

3. To ascertain whether or not the Freehold certificates of titles owned by Kiham Enterprises (U) Limited comprised in Kyadondo Block 273 Plots 23974, 23975, 23976 and 23977 at Kigo were erroneously and Illegally created over the official mailo certificates of title owned by the Kabaka of Buganda comprised in Kyadondo Block 273 Plots 38 and Plots 87,99,110,165,167,169,174,175 and 193.
4. To ascertain whether or not the above mentioned Freehold certificates of title in (1) overlap with the official Mailo Interest owned by the Kabaka of Buganda.

## Methodology

In order to address the purpose of the survey, it was imperative that an understanding of the entire Kyadondo Block 273 is obtained. It was also found prudent to interrogate the history of Kyadondo Block 273 so as to address the issue of ownership distribution on the entire block.

In light of the above therefore, the following facts finding steps were undertaken to guide on the most suitable methodology in response to the purpose of the survey;

1. Extract of the cadastral sheets or maps were obtained from the Department of Surveys and Mapping, Entebbe. **See Annexure A1.**
2. Various Area Schedules were obtained from the Wakiso Ministerial Zonal Offices – Kyadondo branch. **See Annexure B.**
3. A location Survey was undertaken by physically visiting and traversing the land in contention using an RTK survey machine geo-referenced on UTM coordinate system.
4. The extracted cadastral sheets were digitized to convert them from the analogue maps into the UTM coordinate system and or into the computer processed data using the Auto CAD software. In light of this therefore, the maps below were digitized;
  - a) The whole Kyadondo Block 273,
  - b) FC 18454 (owned by the Kabaka of Buganda),
  - c) The Freehold certificates of titles (owned by Kiham Enterprises (U) Limited) and the immediate neighboring certificate of title (Plot 23042). **See Annexes C, D, E, and F** for the digitized maps/lay outs.

## Findings

1. The digitized total acreage of the whole Kyadondo Block 273 was computed as **43,705,265.861 Square metres / 4370.527 Hectares / 10799.57 Acres/ 16 Square miles and 559.36 Acres.**

2. Kyadondo Block 273 was originally distributed into 11 Parcels or Plots, namely;
  - I. 1No. Plot to the Kabaka of Buganda under FC 18454 (MRV 269/25), now registered as Plot 38 and Plots 87,99,110,165,167,169,174,175, and 193.
  - II. 1No. Plot to the N. A. C (Native Anglican Church) under FC 36348, now known as Plot 51.
  - III. 2No. Plots to the N. A. C as grants namely; G. 21584 (now Plot 57) and G. 21585 (whose current Plot number is not recorded)
  - IV. 1No. Plot to N. A. C (Surrendered), now known as Plot 58.
  - V. 2No. Plots to W. F. M (White Fathers Mission) as one grant namely; G. 21135, now Plots 52 and 55.
  - VI. 1No. Plot to Ibulaimu S. under FC 17690.
  - VII. 1No. Plot to H. H. Sir. D. Chwa under FC 27404, now known as Plot 56.
  - VIII. 1No. Plot that was named as Gombolola site.
  - IX. 1No. Plot left as "Total Lake Area" under PT52, now known as Public Land.

**See Annexure F** for details of acreages allocated to each one of the above mentioned eleven (11) Plots or Parcels.

3. The boundaries of the land owned by the Kabaka of Buganda under FC 18454 were identified and ascertained with a total acreage of **42,363,415.621 Square metres or 4236.342 Hectares or 10468.00 Acres or 16 Square miles and 228 Acres. See annexure D.**
4. The location survey of Freehold certificates of titles comprised in Kyadondo Block 273 Plots 23974, 23975, 23976 and 23977 (owned by Kiham Enterprises (U) Limited) confirms that all the four (4) plots are situated within the Plot described as "Total Lake Area" (also known as Public Land). **See Annexes E1, E2 and F1.** The actual location of the Total Lake Area (Public Land) is clearly indicated in the green colour as shown in **annexure F2.**

5. It is also important to note that a Plot, namely, 23042 (a neighboring Plot to the Freehold certificates of titles owned by Kiham Enterprises (U) Limited) was peculiarly located both on the "Total Lake Area" (Public land) and FC 18454 (Mailo land) Plots, implying that It overlaps on two (2) tenure systems. **See Annexes G and H.**
  
6. Arising from (5) above, It is further observed in the survey report by Buganda Land Board (drawing 1), issued by RSU Kizito Bashir Juma, that the same plot is a leasehold title out of Mailo land, something that creates an anomaly since one certificate of title cannot be held on two tenure systems. Plot 23042 (read Plot 4839 as recorded in drawing 1 of BLB survey report) was therefore surveyed, created and issued in error and requires an amendment by the office of the senior registrar of titles (MLHUD) in order to separate the mailo and public land interests which were computed as 37.30 Acres and 95.34 Acres respectively. **See Annexure E1 and E2 for ease of reference.**
  
7. Critical Analysis of the survey report produced by Buganda Land Board authored by RSU Kizito Bashir Juma.

No.	BLB Survey Report	Kiham's Survey Audit Report
1.	Drawing 1 describes the overlap of Kiham's Freehold titles into mailo land Plot 38 Block 273 Kyadondo registered to the Kabaka of Buganda.	<b>Findings:</b> The Freehold certificates of titles for Kiham followed an already surveyed and demarcated boundary line of Plot 38 (mailo land), implying that the freehold certificates of titles share the same surveyed data with the mailo certificate of title at the common boundary line. The findings therefore confirm <b>no existence</b> of any overlap of the Freehold certificates of titles into the existing mailo certificate of title for Plot 38 as alleged in the BLB

		<p>survey report.</p> <p><b>Verdict:</b> False representation of facts by BLB Survey report.</p>
2.	<p>Drawing 2 illustrates the overlap of Kiham's freehold titles into the either mailo land titles belonging to the Kabaka of Buganda. (i.e. Plots 4, 87, 99,110 etc. Block 273 Kyadondo</p>	<p><b>Findings:</b> Kyadondo Block 273 in its entirety comprises eleven (11) interests including; FC 18454 that belongs to the Kabaka of Buganda and Public land (also referred to as 'Total Lake Area') from which Kiham's Freehold titles were created. (See annexes F1, F2 for boundary differentiations and A2 for the eleven (11) interests on Kyadondo Block 273.</p> <p><b>Verdict:</b> It is not true that the entire Kyadondo Block 273 is owned by the Kabaka of Buganda and therefore Kiham's freehold titles do not overlap onto the Kabaka of Buganda mailo. This is further clarified in the acreage for the block 273 computed as 16 square miles and 559 acres as compared to the acreage of FC 18454 that was allocated 16 square miles and 228 acres. The difference in the acreages of 331 acres accounts for the other ten (10) interests as indicated in <b>annexure A1</b>.</p>
3.	<p>Drawing 3 is an overlay of Kiham's freehold titles onto the historical map detailing mailo land apportionment under FC. This historical map illustrates mailo land and its</p>	<p><b>Findings:</b> The size of land allotted to the Kabaka of Buganda is clearly indicated on both the Area schedule in <b>annexure B</b> (16 square miles and 228 acres) and cartridge map in <b>annexure D</b></p>

	<p>original owners and the absence or presence of either crown land or mailo land. The illustration under drawing 3 concludes the fact that the freehold titles are positioned into mailo land.</p>	<p>which totally excludes the public land (Kiham's freehold titles)</p> <p><b>Verdict:</b> Drawing 3 in the BLB survey report is a total misrepresentation of facts about Kyadondo block 273 boundaries and or misconstrued in facts. Kiham's freehold titles were created and issued out of former public land, also referred to as "Total Lake Area".</p>
<p>4.</p>	<p>List of coordinates for Plots 38, 23974, 23975, 23976 and 23977.</p>	<p><b>Findings:</b> Boundaries of Plot 38 did not exactly follow the true boundary line of the FC 18454 as delineated on the cartridge map whilst cadastral boundaries of Kiham's freehold titles share the same surveyed boundary line (coordinates) with Plot 38, thus extended beyond the boundary line of FC 18454.</p> <p><b>Verdict:</b> Coordinates of the common boundary line of Kiham's freehold titles and Plot 38 extend into boundaries of FC 18454; however, both Plots (Kiham's freehold titles and Plot 38) do not overlap into each other.</p>

## Conclusion

1. It is confirmed from the findings that the Freehold certificates of titles owned by Kiham Enterprises (U) Limited comprised in Kyadondo Block 273 Plots 23974, 23975, 23976 and 23977 at Kigo were created out of land known as "Total Lake Area" (Public land) which is historically excluded from FC 18454, but situated under Kyadondo Block 273. The controlling authority of such public land is vested in the respective District Land Board on behalf of government, in this case, Wakiso District Land Board. The Freehold certificates of titles mentioned above were granted and issued by Wakiso District Land Board, which we confirm that it followed the right procedures and there's therefore nothing erroneous and or illegal about the creation of the said freehold certificates of titles.
2. When the Freehold certificates of titles mentioned in (1) above were being created, they followed an already surveyed and demarcated boundary line for Plot 38 (Occupied by Mirembe Villas), implying that the freehold certificates of titles share the same surveyed data (coordinates) with the mailo certificates of titles at the common boundary line with Plot 38. The findings therefore confirm **no existence** of any overlap of the Freehold certificates of titles into the **existing** mailo certificates of titles for land comprised in FC 18454. **See copies of both Freehold certificates of titles and Mailo certificates of titles in the area.**

Report prepared and compiled by,

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Dated,  
**17<sup>th</sup> May 2022.**