



# Thika Greens Phase 1 NEWSLETTER

Waterfalls Country Homes

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Edition1. Vol.1 Jul/Sep 2020

## FOREWORD

Waterfalls Country Homes Management committee is proud to publish this inaugural Newsletter.

We currently have 184 occupied residences and a further 73 are at different stages of construction. This is out of a total of 960 residential plots in the estate. This indicates that we have a significant population now living in our estate which is a dream come true not only for the residents but also for the founders of Thika Greens Limited who in December 2008, designed this estate as the first phase of a three phased development. It has been a long journey, but we are solidly on the way to achieving that original dream.

There is no doubt in my mind that despite a few hitches here and there, we have set a good example for Phase 2 and 3 who will have an opportunity to follow in our successes as well as learn from our mistakes.

It is intended that this Newsletter will be published quarterly with the objective that it will become a tool of effective communication between the Management Committee and the residents as well as a forum for a vibrant and honest debate by all stakeholders. It is also my sincere hope that the publication will help us create an environment where contested issues are resolved amicably as we chart a way towards a future of a secure and peaceful community.

We will in our next issue, report on the progress in several areas including sublease registration and other areas of concern to the members of our community.

I welcome all residents, including those who are yet to develop their plots to engage us through this forum by writing to us on: info@waterfalls.co.ke.

**Kamau Mbugwa**  
Chairman, Management Committee  
Waterfalls Country Homes



**Mr. Kamau Mbugwa**

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## INITIATIVES

### Shamba System

Adoption of the shamba system is a proposal that seeks to bring a sustainable solution to the management of bushes in the estate. The cost of clearing bushes has been a huge item in our budget especially when they regenerate so quickly with the rains.

By allowing seasonal cultivation of approved non-interfering crops, the outcome will be a bush-free neighborhood devoid of an ecosystem that allows the proliferation of rodents and dangerous reptiles.

Owners of undeveloped plots are encouraged to attend to their plots or to allow their neighbors to cultivate, as an effective alternative to bearing the cost of whacking every 3 months.

More details on this program are available in the office.

### Speeding in the estate

The increasing tendency of motorist within the estate to exceed the stipulated speed limits is worrying. our kids are at home due to the COVID-19 restrictions and will inevitably venture into the roads. Please note that our speed limits are **40kph** on Waterfalls Avenue and **25kph** on the access roads.

As a deterrent measure, the management will publish names of offenders on our social media platforms and will not hesitate to take further legal action for repeat cases. Please report any infringements preferably with photo/video evidence to our WhatsApp line 0757 621712

## REGISTRATION OF SUBLEASES

BY E. Supeo Karei

Land ownership by way of title is key to every individual not just for the security it offers but also for the sense of community and belonging, which it carries. This is no exception for the over 960 plot owners in Thika Greens phase 1 (Waterfalls Country Homes). As many owners already know, due to the controlled and exclusive nature of the estate, the title document is not the usual title deeds but rather a sublease document, comprising the individual and corporate rights and obligations of the purchasers. Just like normal title deeds, the laws of Kenya on land ownership duly recognize these sublease documents and as such, it is crucial that all purchasers have theirs duly registered in their favor.

The procedure of registration of subleases is a straightforward four-step process that comprises: drawing and documentation of the Sale Agreement including a Schedule of fees payable; drafting and engrossment of the Sublease document by all the parties; payment of attendant costs i.e. legal fees, stamp duty, valuation fees, consent and registration fees; and lastly, forwarding of the sublease instrument to the Nairobi Central Land Registry for registration and issuance.

### IMPORTANT NOTE:

While majority of purchasers are usually quick to complete the first step above, it has been our experience that many of them are thereafter not keen to finalize the remaining steps with the same haste. This, we have seen, has led to many of them incurring extra expenses on account of Stamp duty (pegged at 4% of the value), for the registration of their sub-leases as the market value of their properties increase. To illustrate, the current valuation for stamp duty of Phase 1 plots is approximately Kshs. 4,000,000/-, therefore attracting a stamp duty of Kshs. 160,000/-. For those plot owners who processed their subleases when the value was Kshs. 2,000,000/-, the stamp duty paid was only Kshs. 80,000/-. Clearly, the growth in value of the plots implies increased stamp duty in future.

It is therefore in your best interests (and in your hands) to finalize the registration process as soon as possible to avoid the extra liability.

Do you have a registered Sub-lease in your name? No? Why are you waiting? Kindly reach out to us and finalize on this process now.

Mr. Karei is an associate with one of our representing law firms, Muriuki Ngunjiri & Co Advocates.  
Can be reached on: [elijahs@plasslaw.com](mailto:elijahs@plasslaw.com)

Our lead lawyers for Phase 1:  
Kimani & Michuki Advocates Contact Ivy at: [ivy@kmichuki.co.ke](mailto:ivy@kmichuki.co.ke)

## From the Manager's Desk



Benjamin Ng'ang'a  
Estate Manager

A little over half a year may sound like a long period of time. However, as I write this, it feels like it has only been 100 days since I came into office in December 2019. It has been a roller coaster as we had to hit the ground running to deal with a myriad issues that as expected, confound the defining moments of any ground-breaking residential project such as Waterfalls Country Homes. I am proud of the steps we have taken to build on the foundation that was ably laid by our founders and progressed by the management committee and my predecessors. For instance, we have given special emphasis on updating the database of our members as the fundamental basis of everything else. This publication also marks a turning point in our communication with each other as the Chairman in his foreword has pointed out. It is also a milestone that the CEO Thika Greens Limited, Hon. Charles Kibiru, charged us to reach.

As the first issue, this edition only touches on the surface of some of the issues on the table. Needless to say, the real test is in working practically to realize the broad spectrum of the expectations in the hearts of the stakeholders of the Waterfalls community.

Now that the ground of communication is broken, we hope that the next issue will report on achievements realized hereof.

I take this opportunity to appreciate the management of TGL, the Chairman and management committee of WFCH for the facilitation and input in contextualizing this publication.

To my colleagues, Terry, Mercie, Lydia, Mwaura and Thomas as well as our staff in building compliance, water and security departments, thank you for your diligence.

To our clients we commend you for the faith you show towards your investment. Please feel free to step in or call or text if you have a concern or an idea that could benefit the subsequent issues or our other mutual interests.

Benjamin Ng'ang'a  
Estate Manager

## NEW DEVELOPMENT

### Embracing Technology

Without doubt, the complexity of operations at Waterfalls Country Homes can easily be obscured by the sleepy demeanor of the estate. It is difficult to tell what else goes on beside the hassle and bustle of construction activity or the entry and exit of residents as they go to or return from their business around the county and beyond.

But there is much going on. There are services to run, records to keep and relationships to grow. Properties are constantly changing hands and as you can guess, with over 10 years of existence of the estate, this has been quite vibrant. Noting the critical need to keep up-to-date records and data for the purpose of accountability, the management acquired a management information system.

The system is aimed at streamlining service charge collection, sublease management, facilities management, accounting, and HR administration as well as communication management with superior efficiency and ease. The system has an important feature that enables interaction with residents by way of personalized texts via bulk SMS as well as Email. In the past, invoices would be generated each month but could only be delivered to intended recipients if they chanced to visit or make enquiry in the office. With the software, bills or notices can be sent out immediately.

The next phase of the system will be to incorporate an app that will enable users to log in and communicate to us as they check the status of their accounts/properties and the community in general. By leveraging on technology, we will improve the efficiency of our processes and lay a strong foundation for the inevitable expanded future operations.

## QUARTERLY REVIEWS

### Accomplished Projects

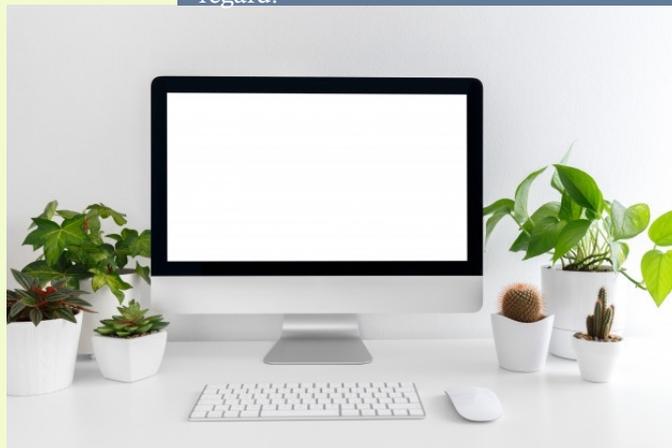
We experienced several challenges in the period between November 2019 and June this year regarding security, unprecedented heavy rains that occasioned excess flooding, frequent power blackouts and dry taps. As if that was not enough, the COVID-19 pandemic, which lingers to date, hit like a thunderbolt. Additionally, we continue to have the perennial problem of regenerating bushes in undeveloped plots, that unfortunately serve as perfect breeding grounds for rodents and undesired reptiles.

To deal with the flooding problem, we gave priority to clearing the drainage system of excess silting which had accumulated over the years. We were able to identify three flood-prone areas which have so far been cleared. More importantly, we excavated an outfall channel along the boundary with our neighbor, Kenya Agricultural & Livestock Research Organization (KALRO), on their side, to drain storm waters into the natural course beyond. We will continue working to ensure that all channels and culverts are cleared before the next rains. *continued on Pg. 4*

### Service charge

Payment of service charge by all plot owners in the estate was effected in July 2012. The money is paid to the management company - Waterfalls Country Homes Management Limited, as per the terms and conditions of the Sub-lease. These funds are utilized for costs incurred on security services, payment of government and local authority Land Rent and Rates respectively, maintenance and repair of infrastructure and other installations as well as garbage collection. Staff salaries and other administrative costs are also met from this account.

Currently, the monthly charge is Kshs. 3000.00 per plot, either developed or not. To owners who have not built, it may appear like they do not reap any benefit from paying this amount. However, the application of this funds on the ground is the real driver behind the formidable value appreciation. Therefore, whether developed or not, the benefit of residence or value growth is cross-cutting and hence a justification of the charge. Please contact the office to know your standing in this regard.



**For payment of service charge  
Please use our Till No.903961  
Bank details: EcoBank Thika  
A/c No.0060015017971901  
Cheque to:  
Waterfalls Country Homes Management Ltd.**

**Water bills are paid via Till No. 675799 to  
Thika Greens Limited**

## Accomplished Projects

from Pg. 3

Residents can testify that the frequency of power outage has gone down since the lines were cleared of obstructing trees. Going into the future, we are hopeful to benefit from a planned upgrade of supply systems by the Kenya Power Company.

With regard to water supply, it should not be forgotten that the plan that remains in place is to have our own water sources within the three phased community of Thika Greens. This is still the vision. It is apparent that we cannot rely on external supply from the public water companies especially in light of the ever growing population in the region. We are, in conjunction with the developer, exploring several options with a view to realizing this vision. We welcome ideas from anyone among us in this regard.

The management will remain committed to finding solutions to the problems that we are facing. Our gratitude goes to those who pay their service charge regularly which has enabled us to do the little we have done. A lot more must be done, but we count on everyone to do their part.



The outfall on KARLO side



A bush free neighborhood



Maintained drainage



Shamba system in practice

## MANAGEMENT

### Gated Communities

Gated Communities as a model of residential development has gained momentum over the last two decades in Kenya. However, the understanding of all its implications to many homeowners has not matched its rate of growth. Many families moving to gated communities are in search of security, superior amenities and to some extent, the prestige of living in a homogeneous exclusive community where property values are well hedged. They are also in search of a quiet and safe environment with efficient delivery of services.

Waterfalls Country Homes Management Limited was incorporated by Thika Greens Limited, the developer, to purchase and hold the reversionary interest of the Head Title in trust for all the sub-lease holders as well as to manage common areas and interests once it is operationalized. Each sub-lease correlates with one share in the company.

Pending the full operationalization of the management company, the developer appointed a management committee to oversee the management of the estate given the rising number of residents. It was also charged with establishing a secretariat from where to coordinate issues of common interest to the residents, the day to day administration of the estate and enforcement of rules and regulations.

One key pillar being overseen by the management committee relates to compliance with the building rules and regulations which is the mandate of the developer. We have had several cases of non-compliance such as not keeping to the maximum number of structures allowed on each plot, exceeding the plot ratios, layouts and setbacks.

We urge all plot owners to consult the approved panel of architects during construction to ensure compliance with the design guidelines. In addition, our inspection team is always on the ground to offer guidance as is a handbook that is available in our offices.



## SECURITY

A positive perception of security matters in any gated community is a vital component of its character.

At Waterfalls, we have high daily human traffic into the estate by both residents and associates. Inescapably, the community in our environment has taken an interest in us for diverse reasons, just as families are settling in from different backgrounds. We must remain alert to the security challenge this poses and in agreement with the mantra of the community policing initiative; 'security begins with you!'

Kindly make use of the following telephone contacts to report any suspicious incidents in your neighborhood. Each reported incident will be investigated professionally and with strict adherence to confidentiality and necessary action taken.

Security Manager: Moses Mwangi- 0724 000475

Estate Manager: Ben Ng'ang'a -0721 788803

Security Supervisor:Edwin Omariba -0725 904318

## The Court System

Several years back, a Court System Map for the entire estate was developed and adopted. The map demarcates the estate into 10 courts as shown in the map below. The objective was to create an administrative structure that would be responsive to zonal needs as well as create representation units that would enhance the involvement of the residents in decision making. The map clearly indicates the boundaries and names given to each court.

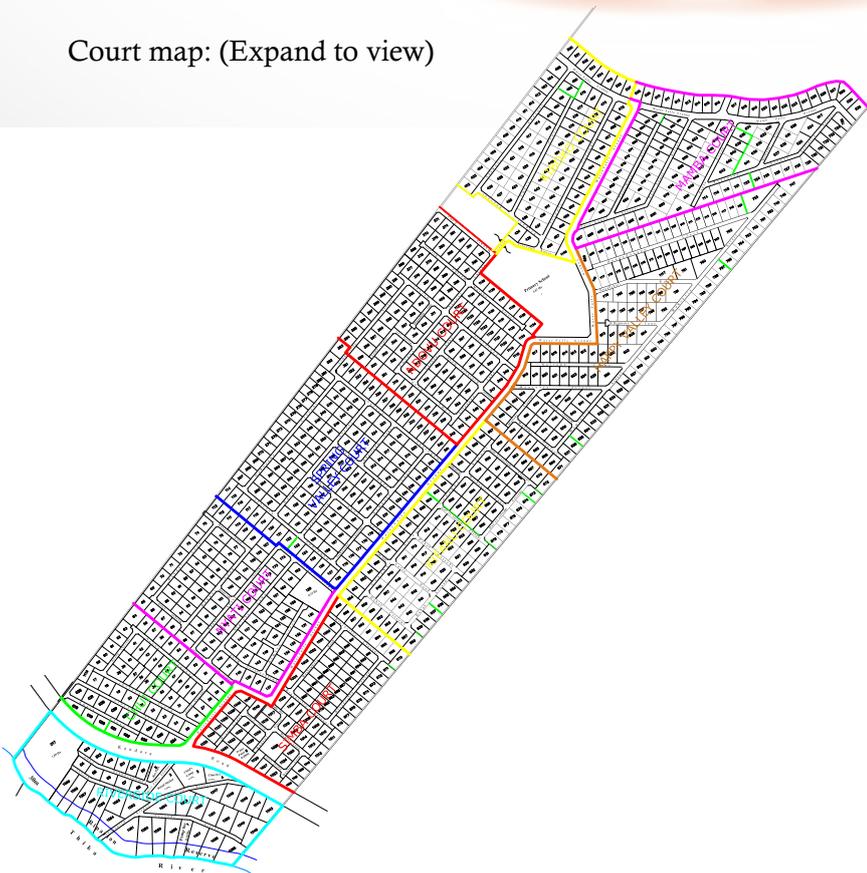
The data management system mentioned elsewhere in this Newsletter has adopted this court system and as new residents build and settle in, they will be placed in the relevant court platform for purposes of communication.

As you may already know, the main residents WhatsApp group has reached the limit of 250 participants, thus leaving many out. We propose that in future, each court should nominate a maximum of 10 representatives to be in the focal group and who will in turn transmit all communication to court based social messenger systems.

We are aware that the Welfare Group has put in place a form of court system guided by current residences and its is our hope that this can be accommodated within the broader system which includes all the plots - even those not yet developed.

The Nyumba Kumi system which is part of the National Police Service Community Policing Initiative ought, in our view, to be aligned with our said court system. Residents are requested to identify their respective court, as we transition to this formal demarcation.

Court map: (Expand to view)



Despite the government lifting the Covid-19 restrictions on movement on 6th July 2020, emerging reports provide evidence that the threat of the disease is now more serious than ever.

Therefore, as a community, we cannot afford to drop our guard or relent from doing our part to keep ourselves safe.

As normalcy returns in our operations, we expect to see heightened construction activity and the attendant high influx of workers, suppliers and consultants from far and wide. The management can only be facilitative and vigilant in ensuring that the Ministry of Health advisories on the pandemic are observed by all accessing the estate.

Still, the greater duty lies with the individual to observe hygiene and uphold safety practices like wearing of masks at all times and especially when moving around the estate.

**THIKA GREENS GOLF RESORT**

**Our Facilities**

- 18 Hole Championship Golf Course
- Clubhouse & Restaurant
- Conference facilities
- World class accommodation facilities
- Scenic grounds for events / team building

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We invite articles on topical issues from members for the next issue in October 2020. Email to: [info@waterfalls.co.ke](mailto:info@waterfalls.co.ke)