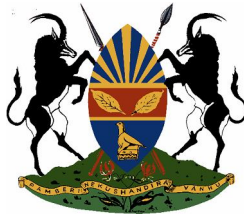


STRICTLY CONFIDENTIAL



CITY OF HARARE

SPECIAL INVESTIGATIONS COMMITTEE'S
REPORT ON CITY OF HARARE'S LAND
SALES, LEASES AND EXCHANGES FROM THE
PERIOD OCTOBER 2004 TO DECEMBER
2009

PRESENTED BY:

Councillor W. Dumba
CHAIRPERSON OF THE SPECIAL COMMITTEE

23 March 2010

GLOSSARY

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PREAMBLE

There is rampant corruption in all departments of Council. The Department of Urban Planning Services (DUPS) seems to be the worst affected by this scourge. There is evidence to suggest that all this was brought about by the so-called Strategic Turnaround Programme. This could have been a ploy by some unscrupulous strategists whose appetite for self -enrichment drove them to come out with a plan to loot council land. Systems that are void of accountability now form the basis of this turnaround project.

The District Officers' powers were deliberately stripped by this Turnaround project. This is so because, before the Turnaround, District Officers worked with their local Councillors as the custodians of land and other Council assets in the Districts/Wards they served. This is no longer the case, all land issues are controlled centrally under DUPS. District Officers were found to be stumbling blocks in the art of plundering Council assets.

The introduction of the Turnaround Programme saw the advent of almost all land alienation functions controlled by one department of Council. Presently, the town planning of council falls under the purview of the Department of Urban Planning Services. Land valuation is also under the same department. All applications for leased properties go to them and it is that same department that chooses which applicant wins amongst other applicants. Their role in management of Council's main asset, land, is rather too much and lacks accountability and is prone to abuse by officials, unscrupulous business people and cunning politicians.

BACKGROUND INFORMATION

On 30th November 2009 the Environmental Management Committee (Item 36) had considered a report by the Director of Urban Planning Services on the need for change of land use from Public Open Space and Recreational to a Multi-Purpose Business Park in Borrowdale West now known as THE MILLENIUM BUSINESS PARK. The Environmental Management Committee noted anomalies and irregularities in the allocation of certain pieces of Council land and resolved that:

- (1) The Town Clerk submits a report detailing the chronological order of events on the sale of certain pieces of land belonging to the City.

These include the land- for- land exchanges and the vehicles- for-land swaps done between Council and different individuals and companies. Also of concern were the Town Planning processes and allocations of these pieces of land done about the stands in question.

The Director of Urban Planning Services submits a report on all Land Sold to Mr. Phillip Chiyangwa and companies associated with him.

The Town Clerk submits copies of the letters written to Transparency International Zimbabwe and Anti-Corruption Commission respectively in respect of allocations of pieces of land to Augur Investments.

The Committee had further recommended to Council that:-

- (a) Council does not accede to the proposed change of land use
Council suspends any sale of land to Mr. Phillip Chiyangwa and companies associated with him.

On 17th December 2009, Council at its 1791st Ordinary Council (Item 11) considered the matter and noted with concern that the land in question was sold without following proper Council procedures on land alienation as demanded by Section 152 of the Urban Councils Act.

Council further expressed its dismay on the irregularities in the allocation processes of Council land, especially, the land-for-land exchange deals with Kilima Investments (Chiyangwa's company), land for Airport Road project payment (Augur Investments), land swaps with other institutions, double allocations and leases to various organizations and individuals.

The Council then resolved that –

A Special Ad Hoc committee be appointed in terms of Section 100 (1) (b) to (viii) of the Urban Council's Act, to investigate sales, leases and exchanges carried out on Council land.

That subject to the adoption of paragraph (I) above, Councillors:-
Warship Dumba
Paula Macharangwanda
Panganayi Charumbira,
Herbert Thomas Gomba
Job Mbadzi,
Thomas Musarurwa Muzuva
Musa Macheza and
Casper Takura

be tasked to carry out investigations and report their findings and recommendations **to council.**

In their first meeting, the members of the committee elected Councillor Dumba as the chairperson of the Special Investigating committee.

“CONFIDENTIALITY CLAUSE”

The Special Committee stressed the need for confidentiality of information among Councillors and officials involved in the task.

TERMS OF REFERENCE

The terms of reference for the Special Committee were to-

- (1) Carry out a detailed analysis of land sales, leases and land exchanges during the:

Makwavarara era
Commission era
Caretaker Council era and the
Current Council era (Masunda Council)

- (2) Establish whether the procedures enshrined in the Urban Councils Act, Town and Country Planning Act and other ancillary Council internal procedures and regulations were properly followed during all these transactions

INVESTIGATION METHODOLOGIES

The Special Committee agreed at its first meeting that the methods to be followed in the investigations would be as follows:

- (1) Collection of all relevant documents from respective offices involved in the alienation of Council land.
- (2) Have site visits of properties sold, leased or exchanged by Council.
- (3) Conduct interviews with key Council employees involved in the process of land alienation.

Interviews on the following personnel would be conducted

Sunningdale District Officer
Chief Town Planner
City Treasurer's Department
Chief Land Surveyor
Chief Building Architect
Chief Building Inspector
City Valuer and Estates Manager
Chief Legal Officer
Heads of Departments
Chamber Secretary
Town Clerk and other officials involved in land alienation.

- (4) To conduct interviews with occupants of the land in question.
- (5) Analyse relevant resolutions passed by Council and, directives given from higher offices.
- (6) Gather information from Councillors of respective Wards.
- (7) Analyse signed Agreements of Sale and Title Deeds issued by Council during the period under review.

EXECUTIVE SUMMARY

Councils are guided by the Urban Councils Act Chapter 29:15, Regional Town and Country Planning Act Chapter 29:12, Labour Act Chapter 28:01 and other ancillary resolutions, procedures and regulations in all their activities.

Section 152(2) of the Urban Councils Act, inter-alia demands that, before alienating Council land, that is, selling, exchanging, leasing, donating or otherwise disposing of or permitting the use of any land owned by it Council shall, by notice published in two issues of a newspaper advertisement of its intention to do so. The copy of the proposal will be open for inspection during office hours at the office of the Council for a period of 21 days from the date of the last publication of the notice in a newspaper. The Council shall submit a copy of the notice referred to above to the Minister not later than the date of the first publication of the notice in a newspaper. Council should then advertise of its intentions calling for any objections concerning the land in question.

The Special Committee found out that the requirements of Section 152 of the Urban Council Act were not followed, resulting in anomalies and irregularities in the alienation of Council land.

The Special Committee found out that the pieces of legislation, resolutions, policies and procedures of Council on Council land alienation were at times completely ignored. Examples are:

(1) **Chiyangwa issue**

Council (Item 8 Finance Committee meeting dated 12th December 2007) resolved for a land swap of Stand 389 Derbyshire measuring 17, 6ha (from Kilima Investments) with City of Harare's Stand 19345 GunHill measuring 10,23ha but on implementation Chiyangwa's company (Kilima Investments) was given 17.6 hectares contrary to the resolution of Council.

Officials did not follow the resolution (26 June, 2008) that had rescinded the decision on the Kilima's land swap deal but took it upon themselves in collaboration with P.Chiyangwa(Director of Kilima)to allocate alternative land to Chiyangwa's Kilima Investments with neither authority from Council nor a report of their decision to Council.

(2) **Airport Road**

The Agreement between AUGUR and CITY OF HARARE was very clear. Augur had to bring in all machinery and equipment for the road construction before any work

commenced. All the machinery and equipment would be handed over to Council on completion of the project. Augur however chose to sub-contract Power Construction to do the work. This was an open breach of the Memorandum of Agreement signed between the two parties.

The Investigations Committee found that, whilst the President of the Republic of Zimbabwe, is said to have referred the Airport Road project to be discussed at Cabinet level, this committee failed to get the Cabinet documents that authorised the deal. If indeed this matter was discussed at Cabinet level as the President had ordered, the implementation was not done in the best interests of the Country in general and the Council in particular.

(3) **Makwavarara's 19 Nigel Lane House**

Council made a resolution to the effect that all council rented houses were not to be sold until a time more such houses had been built. Makwavarara however abused her position and bought the house in total contravention of the standing council resolution of 2002.

The Special Committee discovered that a directive was made by the Minister for the sale of stand 19 Nigel Lane to the then Commission Chairperson Ms S.Makwavarara. Council did not submit to the Minister its position in accordance with Section 313 of the Urban Councils Act.

(4) **Multiple Property Ownership by the Minister of Local Government Honourable I.M.C. Chombo (MP)**

Contrary to Council policy that an individual must not get more than one residential property from the Council, the Minister acquired vast tracts of land within Greater Harare and registered them in companies associated with him. It remains disturbing to note that the Minister (Dr Chombo) would identify pieces of land in the City, influence Council Officials to apply to him (Chombo) for Change of land use, and then sit over the same applications and approve the changes. He would then write to Council officials asking to buy the same stands and obviously get them. Land reserved for recreational activities would end up having Title Deeds in

his company's name .A case in point is Stand 61 Hellensvale Harare, measuring almost 20 hectares. According to the Advice of Payment the Minister paid \$2 300 for this stand.

- 1) Section 313 of the Urban Councils Act of 1996 entails that: the Minister may give directives of a general character as to the policy Council is to observe in the exercise of its functions as appear to the Minister to be requisite in the national interest.

The Act further states that 'where the Minister considers that it might be desirable to give any directives in terms of Section (1) above, he shall inform the Council concerned in writing, of his proposal and Council shall, within thirty days or such further period as the Minister may allow, submit to the Minister, in writing, its views on the proposal and the possible implications on the finances and other resources of the Council. The Council shall, with all due expedition, comply with any directives given to it in terms of paragraph (1) above.'

ALL THE ABOVE PROCEDURES WERE NEVER FOLLOWED BUT WERE INSTEAD MANIPULATED BY THE MINISTER FOR HIS PERSONAL GAIN.

The investigations have proved beyond any reasonable doubt that the Minister abused his powers in many instances by verbally issuing instructions on what council should do or not do concerning council properties. A case in point is his instruction to have the Council's Highlands house sold to Ms Sekesai Makwavarara while she (Ms Makwavarara) was staying in a Borrowdale house rented for her by Council.

- (5) **Illegal Land Allocations by the department of Urban Planning Services and Harare Municipal Workers Union**

The Committee found out that whilst it is within the purview of the Department of Housing and Community Services to allocate land to people on the Housing waiting list, the Harare Municipal Workers Union illegally allocated Council land to Union members, in total breach of Council policy and regulations. This in turn disadvantaged other workers who were/are not affiliated to the Union. The Department of

Urban Planning Services also allocated land illegally to top government officials in total violation of Council Standing rules and regulations. Examples of such acts are on Titles issued under reference “MSA” (**Municipal Sales Agreement**) .All such properties under the heading MSA were illegally issued by Psychology Chiwanga, Tendai Mahachi, Michael Mahachi and C.Nemera as evidenced by their signatures on these Agreements of Sale.

DATA PRESENTATION, ANALYSIS AND RECOMMENDATIONS

(A) LAND FOR LAND DEAL WITH PHILIP CHIYANGWA (KILIMA INVESTMENTS)

Stand 389 Derbyshire

Council (Item 8 of the Finance Committee Minutes dated 12 December 2007) approved the land swap deal between City of Harare and Kilima Investments. Kilima had Stand 389 Derbyshire which measured 17,6 ha, zoned for industrial purposes. The City had a stand 19345 in GunHill measuring 10,23ha of prime land zoned for residential purposes. The reasons for the land exchange were that Council had run short of industrial stands.

NB This was not true because ever since that claim by Psychology Chiwanga Stand Number 389 Derbyshire has not even been surveyed. Further, Mr Chiwanga went on to change Title Deeds from Derbyshire to the City before Council had either surveyed or valued it.

SITE VISITS BY THE INVESTIGATING COMMITTEE

(a) VISIT TO STAND 389 DERBYSHIRE

The Special Committee noted that the size of the above stand which was originally measured as 17,26ha had increased to 25, 38 without the approval of Council. The Director of Urban Planning Services who was part of the visiting team confirmed this.

The committee discovered that the land was swampy. It was noted that the transfer took place before survey and

valuation processes were concluded. There was a speedy transfer of the above property indicating motives that anyone would be left wondering.

Sequence of events

The Finance and Development Committee considered the matter on 12 December 2007 (Item 8) and resolved:

“That subject to the provisions of Section 152 of the Urban Councils Act the Commission approves the proposed land exchange between Kilma Investments (Pvt) Ltd and the City of Harare as follows:

- (a) City of Harare to Kilma Investments (Pvt) Ltd approximately 10,23ha of residential land being Stand number 19345 in Gun Hill depicted under **Annex A**, a copy of which is attached to the Director of Urban Planning Services’ report dated 4th December 2007.
- (b) Kilma Investments (Pvt) Ltd to City of Harare 17,6 ha of Industrial land being portion of Stand 389 Derbyshire along the new Chitungwiza road depicted under **Annexure B** of which is also attached to the Director of Urban Planning Services report dated 4th December 2007.
- (c) That pursuant to recommendation (a) above, each part shall bear the costs of surveying, servicing and transfer of the land due to it and all risks and profits in the stands passing to the other part upon transfer.”

20th December 2007 the Director of Urban Planning Services wrote a letter to Chiyangwa advising him on the approval of the Commission. **(Copy attached Appendix C)**.

28th December 2007 letter from Director of Urban Planning Services to Chiyangwa instructing him to go ahead looking for his land surveyors to carry out surveys of both stands (19345 HTL and 389 Derbyshire).

N.B. This was contrary to the resolution mentioned above.

26th March 2008 Pinnacle Properties wrote to Director of Urban Planning Services referring to the swap deal.

N.B. The agreement was between Kilima Investments and the City of Harare and one would be left wondering how Pinnacle would be involved.

27th March 2008 letter from the Minister of Local Government Rural and Urban Development requesting the Commission to rescind its decision on the land swap deal. A report was submitted to the Finance Committee recommending rescission of the decision.

6 May 2008 a letter from Chiyangwa advising that they are now transferring the land as the Surveyor General had approved it.

6th May 2008 Director of Urban Planning Services sent the memo to City Valuer and Estates Manager requesting a meeting with Chamber Secretary for advice.

20th June 2008 Director of Urban Planning Services wrote a memo to the Town Clerk advising that a formal report had not been written to Council on the Minister's refusal.

26th June 2008 Town Clerk submits a report to Council on the matter. Caretaker Council (Item 10) then rescinded the land swap decision of Finance Committee dated 12th December 2007.

*** NB: This is when official involvement of Council ended in this deal. The deal however continued behind Council.**

22nd August 2008 Power of Attorney, Declaration by Agent of Transferor and declaration by Agent of Transferee were signed recommending transfer of Stand 389 Derbyshire (size 16,859ha) and Stand 19345 HTL measuring 9,323ha.

22nd September 2008 a copy of the Extract of the Minutes of a meeting of the Board of Directors for Kilima held at Harare on 12th December 2007 resolving unanimously that:

(a) The company exchanges Stand 389 Derbyshire

measuring 16, 86ha with that of City of Harare Stand 19345 HTL measuring 9,2332ha.

- (b) P. Chiyangwa be and is hereby authorised to sign all and any documents required for the preparation of the Exchange transfer.

14th October 2008 letter from Dube, Manikai and Hwacha Legal Practitioners to Director of Urban Planning Services advising that they were almost ready to launch the transfer of Stand 19345 HTL and 389 Derbyshire and that they will shortly launch with the register of deeds.

29th October 2008 memorandum from Town Clerk to City Valuer and Estates Manager (Mr.Francisco) on Stand 19345 HTL advising him of the Caretaker Council's decision to rescind the KILIMA deal and that City of Harare was no longer in a position to proceed with the deal. A copy was written to Mr. Chiyangwa's lawyers.

29th October 2008 letter from Town Clerk to Mr. Chiyangwa advising on the Caretaker Council's decision to rescind the resolution dated 12th December 2007.

18 December 2008 Director of Urban Planning Services wrote a memo to Town Clerk, requesting the need to look for another stand to compensate Mr.Chiyangwa.

3rd April 2009 memorandum from Director of Urban Planning Services to City Treasurer Department (Mr. Makwembere) in connection with telephone conversation on waiver of rates.

NB Mr. C.T Zvikaramba indeed waived the rates in total contravention of Council's standing rules and against the law.

22nd May 2009 Deed of Transfer in favour of City of Harare signed, five (5) pieces of land were transferred namely:

65 Colne Valley of Lot 7A Colne Valley (7,5956ha
19682 HTL
196 75 HTL (6, 1884 ha)
3789 HTL of 4450 HTL (0,9959M²)

Remainder of Lot 3 of Delnadamph
Extension (0,515m²)
453 Hatfield of subdivision D of Hatfield (2,2876ha).

COMMENTS/ OBSERVATIONS FROM SEQUENCE OF EVENTS

- a) The Committee noted with concern that the resolution of Council had recommended 10ha but the total area increased to 17ha whilst Derbyshire land increased to 25,8304ha instead of 17ha.

NB A scam between Phillip Chiyangwa and Council officials.

- b) Noted that there was no Council approval for all land acquired by Mr Phillip Chiyangwa and companies associated with him.
- c) Noted with concern that properties acquired by Mr. Phillip Chiyangwa or his companies have already been issued Title Deeds without proper paper work that regularizes land transfers. Furthermore, Council procedures were not followed.
- d) The Committee was also convinced that there is greater probability that officers worked in syndicates to unprocedurally allocate Council land. This was confirmed by cases ending in land disputes as illustrated below.
- e) Sisonke Housing Co-operative and Group 12 Housing Co-operative: stand 8003 to 8041 Warren Park. This was a double allocation.
- f) Bradra Engineering and Group 12 Housing Co-operative: Land in Westlea. This was also a double allocation.
- g) Apostolic Church and Group 2 Housing Co-operative: Glen Norah (near Crest Breeders).Another double allocation.

The Committee discovered with concern that Mr.Chiyangwa was given first preference ahead of several applications received earlier. The Committee also noted that the land was exchanged for salaries and vehicles (2 Land Rover vehicles). The Committee also noted with concern that the price of US\$5/m² charged to

Mr.Chiyangwa was well below the market selling price of land in similar zones which were selling at between \$10 to \$15@sq metre.

This property should have been put to tender since all the five applicants in the table below had expressed interest in Stand number 19345 Gun Hill.

Name of Applicant	Date Application Made
Aloe	15 April 2005
Dhliwayo	30 August 2005
Clipsons Investment	22 September 2005
E. Hudgeson	16 November 2006
Kilima Investments	12 December 2007

INTERVIEWS CONDUCTED ON LAND SWAP DEAL (STAND 389 DERBYSHIRE)

NB All interviews are on un-edited videos

INTERVIEW WITH THE TOWN CLERK (Dr.Tendai Mahachi)

The interview with the Town Clerk revealed the following findings –

The land swap was stopped following a Ministerial directive to reverse the deal with Mr.Chiyangwa since the Gun Hill stand was said to be ear-marked for other state purposes.

The value of land in Gunhill was equivalent to that of Derbyshire as it was done on value for value basis as opposed to hectare per hectare.

INTERVIEW WITH CHAMBER SECRETARY: (Mrs Josephine. Ncube)

The interview with the Chamber Secretary regarding the role played by the legal division during the Chiyangwa deal revealed the following findings:

There was a resolution of Council to swap stand 19345 Gun Hill with Mr.Chiyangwa's Stand 389 Derbyshire.

The Ministerial directive intervened as the land was said to be earmarked for other purposes.

(NB Stand 19345 Gun Hill was later given to Augur as payment for Airport Road deal)

The Legal Department was not involved until the Director of Urban Planning Services came seeking for legal advice on the way forward since there was now a dispute with Mr. P. Chiwanga.

The Director of Urban Planning Services did not follow the procedures of Section 152 of the Urban Councils Act as he was now communicating directly with Mr. Chiyangwa before the completion of the requirements of the Urban Councils Act.

The Director of Urban Planning Services did not seek Council approval about what was later happening with the deal.

INTERVIEW WITH THE FINANCE DIRECTOR:
(Mr.C.T .Zvikaramba)

The Finance Director was requested to explain the role played by the Finance Department in the land sales/leases and his involvement in Kilima Investments and other properties belonging to Chiyangwa regarding rates transfer.

OBSERVATIONS FROM THE INTERVIEW WITH MR ZVIKARAMBA

That Finance Director received a memorandum from Director of Urban Planning Services requesting him to waive rates for stand 389 Derbyshire and Odar Farm. He waived the rates of transfers by himself after his subordinates who are the correct officials to do the work had refused citing irregularities because of non involvement of Council. (See Appendix F)

INTERVIEW WITH P.C. CHIWANGA

The Director of Urban Planning Services was interviewed and was requested to explain the procedures in land allocation he used in the Chiyangwa deal. He was also asked to explain the procedures he followed and the paper work required in terms of the Urban Council Act.

COMMENTS ON CHIWANGA'S INTERVIEW

The Special Committee noted that Section 152 of the Urban Councils Act requires advertisement calling for objections before land alienation. This was not done on the land swap with Mr. Chiyangwa. The minutes of Finance Committees dated 12th December 2007 also highlighted the importance of compliance with Section 152 (see Appendix A).

The Director of Urban Planning Services (Mr. Chiwanga) wrote a memorandum to Mr. Makwembere (see Appendix A) on waiver of rates for the Chiyangwa properties.

NB: This was not procedural and is unlawful.

The Director of Urban Planning Services admitted that he let Council down by processing transfers before full compliance with Section 152 of the Urban Councils Act. Council was not given a progress update on what was happening on this Chiyangwa deal which leaves a lot of suspicion on Director Chiwanga's part.

FINDINGS ON KILIMA INVESTMENTS LAND SWAP DEAL

Before land was transferred to P. Chiyangwa's company (Kilima Investments), Section 152 of the Urban Councils Act was not followed.

The Committee also noted that before concurrence with the Minister in terms of the Urban Councils Act Section 152 subsection 5(a), Mr. Chiwanga had already started processing the survey papers as well as land transfer. It was also noted that the Minister (letter dated 27 March 2008) objected to the Finance Committee resolution for land swap. A report was submitted to the Finance Committee recommending rescission of the decision to exchange land with Mr. Chiyangwa.

The Commission (Item 8 Finance Committee Minutes dated 12th December 2007) resolved to transfer 10,23ha of stand 19345 Gun Hill to Mr. Chiyangwa (Kilima Investments) and 17,6ha of stand 389 Derbyshire to City of Harare. On implementation, according to the Deed of Transfer, the Council Officials transferred 17.6 ha of Council's prime land to Kilima Investments while Council got 25ha

of swampy land from Kilima Investments without Council resolution (see Appendix A).

The Commission rescinded the decision to the land swap (Item 10 dated 26th June 2008) but the deal continued between Director P.Chiwanga and Mr. Phillip Chiyangwa without Council's involvement.

Part 3 of Finance Committee recommendation dated 12 December 2007 states that "each party shall bear the costs of surveying, servicing and transfer of the land due to it and all risks and profits in the stands passing to the other part upon transfer" This was not done, only information from the Deeds of Transfer was received without physical valuation of the properties involved in the deal. According to the agreement between the two parties, each part was to survey, service and transfer its properties to the other part but this exercise was done by Kilima Investments prejudicing Council.(see Appendix A)

The last official deliberations on the matter were made by the Caretaker Council on 26th June 2008. When the new Council came in, there were no official deliberations made but the deal continued behind the scenes (evidence of suspicious dealings between. Mr. Chiwanga and Mr. Chiyangwa).

The agreement to the land swap was between Kilma Investments and City of Harare but later-on some communications were made with a different company "Pinnacle" but the Deeds of Transfer were made to yet another company "Kilima Investments' which is not clear which company was a party to the agreement with Council. N.B The difference between Kilma Investments(on Council Resolution of 12 December 2007) and Kilima Investments(on Deed of Transfer issued to Mr. Chiyangwa).

In some of the documents submitted to this committee there were some deliberate mix-up of dates and some had altered dates. (See annexure E&F)

There were no documents to prove that Mr.Chiyangwa wanted to sue Council as alluded by Director Chiwanga.

NB The Director of Urban Planning Services wrote a memorandum to Town Clerk dated 18 December 2008 requesting that Mr. Chiyangwa be given alternative land as compensation. This was however not communicated to Council.

There was a claim of urgent need of industrial land by Council as alluded by Mr. Chiwanga but a visit by this committee to Number 389 Derbyshire revealed that there was no such urgency since no effort has been made even to survey the land. In fact there was no demand for industrial land since most companies were actually shutting down during the period in question.

The committee noted that the most scandalous deals in Council were done during the Michael Mahachi era.

The Commission that approved the land exchange deals was illegal (see attached Appendix H).

The Director of Urban Planning Services (Mr. Chiwanga), as a high ranking officer of Council who understands the Urban Councils Act and knows how Council operates, let down Council by executing illegal deals.

13) Last but not least the Commission of that time led by Mr. Michel Mahachi was an illegal one.

**MEMORANDUM FROM DUPS TO FINANCE DEPARTMENT
DATED 3rd APRIL 2009**

The memorandum was to the effect that the City was faced with little or no prospect of winning the impending lawsuit, so it opted for an out of court settlement leading to the City offering alternative pieces of land as compensation for the Gun Hill stand. This Committee requested assistance from the legal division to analyse this issue and they came up with the following observations and comments.

OBSERVATIONS BY OUR LEGAL DEPARTMENT ON THE IMPENDING LAW SUIT

The Town Clerk advised Director Chiwanga to seek legal opinion from external lawyers but no such legal opinion was sought according to the documents available.

There is no information in the file pertaining to the impending lawsuit by Kilima i.e. what exactly was Kilima demanding from the City?

Nevertheless, the Official had no authority to re-engage Kilima offering alternative pieces of land. The correct procedure was for officials to seek Council authority to-

re-negotiate with Kilima Investments.

Take their recommendations to Council for approval, that is, if the officials were of the view that this action was in the best interest of Council in the light of the “impending lawsuit”.

POSSIBLE COUNCIL POSITION IN THE EVENT OF BREACH OF CONTRACT

Specific performance – where one party to the contract will seek to compel the other party to perform as per the terms and conditions of the agreement.

Defence – Supervening impossibility: In this case the rescission of the resolution by Council would have sufficed as a defence.

Damages -In the event that Kilima was seeking specific performance, the City would have simply paid damages i.e. compensating the other part (Kilima Investments) for its loss if any.

The officials failed to seek proper legal advice and proceeded with the land exchange without Council approval or report to Council about their actions.

RECOMMENDATIONS FROM THE COMMITTEE ON KILIMA DEAL

Having cited gross irregularities in this deal, this Committee recommends that:-

The land- for- land exchange deal between Kilima Investments and City of Harare be reversed.

The land given to Kilima Investments be repossessed since the then Commission rescinded the decision for the land swap as per Ministerial directive dated 27 March 2008 and Caretaker Council resolution (Item 10) of 26 June 2008.

Stand 389 Derbyshire be returned to its original owner Kilima Investments because of the following reasons:-

No proper valuation was undertaken to determine the value of the property.

The site visit by the investigating Special Committee proved that the above stand was too swampy to be exchanged for Council's prime land in the low density zones.

Council should always adhere to Section 152 of the Urban Councils Act whenever alienating Council land in future.

Council should take appropriate disciplinary action against Director of Urban Planning Services (Mr. Psychology Chiwanga) and City Valuer and Estates Manager (Mr. Namera) because they:

Ignored Section 152 of the Urban Councils Act (the section that forms the basis of their employment).

Defied Ministerial Directive and Caretaker Council's decision to stop the deal between City of Harare and Kilima Investments .They took it upon themselves to pass such crucial decisions involving Council land. Council was not updated on progress made after the deal.

P.Chiwanga and P.Chiyangwa must be reported to the Police for stealing Council land and fraudulently writing Powers of Attorney to

effect Title changes knowing well that the information they were giving was false.

Cosmas Zvikaramba, Psychology Chiwanga, and Phillip Chiyangwa must be reported to the Police for transferring Stand 389 Derbyshire and Odar Farms after illegally waiving rates for both properties.

Council must sue Mr. P. Chiyangwa for the full payment of rates transfer of Odar Farm including the amount he should have paid before fraudulently altering documents presented to Council for processing. The year 2001 was altered to read 2007 (See Appendix F)

The Audit committee should pursue the issue of all other properties Mr Chiyangwa got from Council through other deals. Paper work on values needs to be furnished to this Committee to establish how values were determined.

(B) STAND No. 19 NIGEL LANE HIGHLANDS (95 HIGHLANDS)

INTERVIEW WITH MR. CHIYANGWA DEPUTY DIRECTOR OF HOUSING AND COMMUNITY SERVICES

Interview on live video

The Special Committee requested the Deputy Director of Housing and Community Services to explain the issue of Stand 19 Nigel Lane Highlands which was sold to Ms Sekesai Makwavarara, the procedures used in the allocation and the reasons for giving first refusal option to a non sitting tenant (Ms S.Makwavarara) over a sitting tenant (Mrs. O Dangwa) need to be ascertained.

FINDINGS FROM THE INTERVIEW

- 1) The decision to sell the house to Ms Makwavarara came as a verbal instruction from the Minister Dr. Chombo.
- 2) The way the stand was sold was irregular as the provisions of Section 152 of the Urban Councils Act were not followed.

- 3) Objections were received on the proposed sale of House Number 95 Highlands but Council did not consider these objections.
- 4) The number 19 Nigel Lane file had a lot of controversial issues resulting in the officials who were working with the file to capture details of all sequence of events including newspaper cuttings.
- 5) In terms of Section 313 (2) of the Urban Councils Act, Council did not comply with the Urban Councils Act by not responding to the Minister within 30 days on its views on the proposals and possible implications on the finances and other resources of Council.

SEQUENCE OF EVENTS FOR STAND 95 NIGEL LANE

13th February 1998 Mr. Ray Mutasa occupied the house under lease agreement.

2nd August 1999: Mr. Mutasa was given an offer to purchase the house in 3 months.

8th September 1999 the lawyers representing Mutasa Coghlan Welsh and Guest wrote a letter to Director of Housing and Community Services complaining of the short notice given to Mutasa to pay the full price in 3 months.

29th September 1999 the lawyers wrote again to the Director of Housing and Community Services requesting response on the query.

19th October 1999 Mrs Mandizha (DHCS) responded and advised that Council would accept the staggered payment but full payment had to be done within 3 months.

10th November 1999 the lawyers acknowledged the receipt of contents of the letter.

14th November 2000 – a letter was received from Stanley Kembo a retired Council employee offering to purchase the same house. Kembo was advised to apply after the advertisements.

2nd April 2002 – Mrs Mandizha (DHCS) sent a final notice of termination of lease to Mr.C.T. Mutasa.

8th October 2002 – Mrs H. Mutasa (husband now bed-ridden) wrote to Council requesting to purchase the house after staying in the house for more than ten (10) years but was turned down.

23rd October 2002 Finance Committee resolved to suspend indefinitely the sale of low density Council houses

1st May 2003 – Mutasa family was evicted from the house and stayed outside for some weeks while Municipal police guarded the house.

21st May 2003 agreement of occupation signed between the City and O. Dangwa a Council employee.

2nd June 2003 – District Officer Sunningdale requested treasury to repair the house at a sum of \$8 000 000

13th June 2003 Director of Housing and Community Services confirmed repairs were made to the house.

26th June 2003 memorandum from District Officer Sunningdale to Director of Housing and Community Services informing them about the new tenants(Mrs O.Dangwa) to occupy the house.

8th March 2004 Mrs O. Dangwa applied to buy the house through the 1999 resolution.

24th April 2004 letter to Mrs O. Dangwa advising her that the stand could not be sold as per Commission resolution dated 23rd October 2002.

30th November 2004 – The then Town Clerk wrote to O. Dangwa informing her that the house is to be occupied by Ms Makwavarara with effect from 1st January 2005 and was advised to move to 52 Cardiff Avenue in Belvedere. NB Makwavarara was occupying a Council house in Borrowdale which she never left anyway.

24th March 2005 Ms S. Makwavarara signed a lease agreement for stand 95 Nigel Lane Highlands. At that time the official papers indicated that rent arrears was amounting to \$9 319 050.

9th September 2005 memo from Town Clerk to Director of Housing and Community Services requesting valuation of Stand 95 Nigel Lane and other low density houses.

23rd January 2006 memorandum from CVEM to Mrs Fologwe who had requested for the valuation of the house

27th January 2006 response of Mrs Fologwe's memorandum to CVEM on the valuation issue.

1st February 2006 – The stand was valued at \$3 billion.

7th February 2006 CVEM reported that valuation had not been brought

13th February 2006 according to Finance Committee (report No. DHCS/06) the stand was to be sold to Ms Makwavarara at \$5, 5 billion.

14th March 2006 Town Clerk reported to the Finance Committee requesting that the property be sold at \$780million.

16th May 2006 a decision was finally made to sell the property for \$13, 75 billion.

FINDINGS FROM STAND NUMBER 95 HIGHLANDS (19 NIGEL ROAD)

Ms Makwavarara never stayed at No. 19 Nigel, Highlands hence she was not a sitting tenant.

The tenant (Ray Mutasa) who had stayed for more than ten years was evicted.

Section 313 of the Urban Councils Act inter alia states that:

“subject to subsection (2) the Minister may give a Council direction of a general character as to the policy it is to observe in the exercise of its functions, as appears to the Minister to be requisite in the national interest.

where the Minister considers that it might be desirable to give any direction in terms of subsection (1) he shall inform the Council concerned, in writing, of his proposal and the Council shall, within thirty days or such further period as the Minister may allow, in writing submit to the Minister its views on the proposal and the possible implications on the finances and other resources of the Council.”

POINTS NOTED ON MINISTER’S DIRECTIVES

There was no written Ministerial directive but Council only acted from a verbal instruction from the Minister according to report number 45/DHCS/06 which was submitted to the Finance Committee.

There was no element of national interest in the allocation of the house to Ms Makwavarara.

The council did not respond to the directive of the Minister as required under section 313 (2) advising on the possible implications on the finance and other resources of Council. There was therefore conflict of interest on Ms Makwavarara’s part proving her influence in the non response of Council to the Minister’s directive as she was in-charge that time (Commission Chairperson).

4) Section 152 (2 & 3) of the Urban Councils Act states that:

“Before selling, exchanging, leasing, donating or otherwise disposing of or permitting the use of any land owned by it, the Council shall, by notice published in two issues of a newspaper and posted at the office of the Council, give notice-

- (a) of its intention to do so, describing the land concerned and setting the object, terms and conditions of the proposed sale, exchange, lease, donation, disposition or grant of permission of use; and*
- (b) that a copy of the proposal is open for inspection during office hours at the office of the Council for a period of twenty one days from the date of the last publication of the notice in a newspaper and;*

- (c) *that any person who objects to the proposal may lodge his objection with the Town Clerk within the period of twenty one days referred to in paragraph (b)."*
- 5) It was noted that the procedure of section 152 of the Urban Councils Act was not followed as full payment of the house was made before consideration of objections.
 - 6) Objections received were never considered by the Finance Committee.
 - 7) The resolution of the then Commission dated 23rd October 2002 had agreed to stop indefinitely the sale of low density Council houses hence the sale went ahead against the resolution of Council.
 - 8) Ms Makwavarara accrued rent arrears of \$14 193 127, 36 which she never paid.
 - 9) It was noted that the Ms Makwavarara led Commission running the affairs of Council at that time was illegal (see annex h).

RECOMMENDATIONS ON MAKWAVARARA ISSUE

Council should repossess stand 19 Nigel Road, Highlands because of the following reasons:-

The sale was irregular as Ms Makwavarara was not the sitting tenant and also the resolution of the Commission (Finance Committee dated 23rd October 2002) had prohibited such sales.

Objections received were never considered as contained in Section 152 (2c) of the Urban Councils Act.

The then Commission running the affairs of Council was illegal thereby making the sell a legal nullity.

AIRPORT ROAD DEAL

SUMMARY AND SEQUENCE OF EVENTS OF JOINT VENTURE BETWEEN CITY OF HARARE AND AUGUR INVESTMENTS

22ND June 2007 Memorandum of Understand between City of Harare and Augur Investments was signed. Augur was represented by Alexander Sheremet, Kenneth Sharpe, and Tiana Alishina as a witness. Representatives for City of Harare were T. Mahachi (Town Clerk), Ms S Makwavarara {Commission Chairperson}, and P. Chiwanga (DUPS) being the witness.

4th September 2007 Shareholders Agreement between City of Harare and Augur was signed with Alexander Sheremet (Chairman) T. Alishina and Kenneth Sharpe being Augur representatives. The City of Harare represented by Dr. T. Mahachi, P. Chiwanga (Director of Urban Planning Services) and J. Ncube (Chamber Secretary).

NB Mrs. Josephine Ncube new inclusion, but was later notified by the Town Clerk Dr T. Mahachi that she was not to be involved in any meetings because Dr I Chombo had said so. (according to interview on video)

21st May 2008 Memorandum of Understand between City of Harare and Augur was signed with Alexander K. Sharpe, M. Van Blerk. representing Augur while City of Harare was represented by M. Mahachi (Caretaker Council Chairperson) Dr. T. Mahachi (Town Clerk) Witnesses were Minister I. Chombo (Minister of Local Government) and Minister C. Mushowe (Minister of Transport) **NB Second MOU signed for same project.**

30th May 2008 The City of Harare signed the Memorandum of Agreement. Augur signed the same document on the 9th of June 2008. Parties who signed for Augur were – A. Sheremet (Chairman) Witness – Steven Sugden Ne Van Blerk. Parties City of Harare – M. Mahachi (Caretaker Chairperson), T. Mahachi (Town Clerk) and witnessed by George Munyonga (Council official)

5th August 2008 Meeting held at 2 Denmark Avenue, Milton Park. Present at the meeting were K. Sharpe (Chairman), M. Van Blerk, Dr. T. Mahachi, P. Chiwanga, M. Mahachi (Appointed Councillor)

Mr. I. Mbiriri (Perm Sec Ministry of Local Government), S. Demos, A.I. Gibson. Discussion was on Airport Highway.

NB At this meeting M.Mahachi was doubling as City of Harare Appointed Councillor as well as Project Manager for Augur without declaring his interests (conflict of interest).

6th September 2008 Meeting held at 2 Denmark Avenue, Milton Park and present were K. Sharpe, M. Van Blerk, T. Mahachi, P. Chiwanga, I. Mbiriri, S. Demos, A. Gibson. At this meeting, M.Mahachi (Appointed Councillor) - gave feedback on Council land he had identified for payment to Augur.

NB M. Mahachi the custodian of Council land as a Councillor but now Project Manager for Augur and identifying land for his new bosses (Conflict of interest)

4th October 2008 Addendum to Memorandum of Agreement showing schedules A, B, and C with a total area of 733,9ha at a total cost of US\$52 320, 777,00.

8th November 2008 The steering committees held its first meeting in the Ninth floor of the Ministry of Local Government, Public Works and Urban Development offices. Members present included P. Mbiriri (Ministry of Local Government, Public Works and Urban Development), G. Mlilo (Ministry of Transport and Communications), M. Van Blerk, S. Demos, M. Mahachi (Project Manager) A. Chatora (Classic Project Management)

Other meetings were held on 21st January, 9 February, 10th March and 9th April 2009.

P.I. Mbiriri chaired most of the meetings and issues discussed related to stands 19344, 19345 and 18879 HTL. They also discussed that Kilima was ready to hand over survey diagrams to the City of Harare. It was also noted that alternative land for Hellenics had been identified. Issues on project price were also raised at these meetings.

NB Kilima had earlier been given stand 19345 Gun Hill before the Minister's directive came to reverse the Chiyangwa deal. Hellenics' land had erroneously been given to AUGUR.

6th May 2009 Ad hoc Technical Meetings started on the Project Dualisation of the Airport Road. The meetings were held at Sixth Floor, Quantum House. Members who attended this committee were M. Mahachi (Project Manager) M. Van Blerk – Augur, A. Chatora (Classic Project Management) G. Munyonga – City of Harare (Highways), B. Musarurwa (Civil and Planning Partnership Consulting Engineer).

Other meetings were held on 4th June, 25th June, 2nd July, 9th July, 16th July, 24th July, 30th July, 6th August, 27th August, 28th August, 3rd September, 10th September, 17th September, 1st October, 15th October, 5th November and 26th November 2009.

INTERVIEWS WITH, DIRECTORS PFUKWA, AND CHIWANGA, ENG MUNYONGA. TOWN CLERK, CHAMBER SECRETARY, AND OTHERS

(INTERVIEWS ON LIVE VIDEO)

Findings from the interviews

No tenders for the Airport Road project were floated.

No proper valuation of equities was undertaken.

Power Construction was sub-contracted by Augur to do the preliminary construction work for the Airport Road in total breach of the agreement.

US\$3 990 129 for mobilisation fees including other preliminary works was signed for by the Director Engineer Pfukwa without Council approval or the Mayor's consent (Ref. Service Certificate No. 1 dated 27 February 2009).(see Appendix T)

It was discovered that work on the project was stopped not because of Council resolution but due to arrears of US\$500 000 to be paid by Council to the Environmental Management Agency.

Council failed to ascertain the cost of the Airport Road project resulting in a trip to a South African Company (Power Construction) by Engineer Munyonga to enquire on the possible cost of the project. The Engineer ascertained that the project would cost around US\$60 – US\$67 million and Power Construction SA would be sub-contracted to do the job.

NB The project is now officially quoted at US\$87 million.

No progress updates were made to Council on the project.

Stand 812 was hurriedly transferred as payment to Augur before being brought to Council for consideration.

The Committee noted that at the time the Augur deal started (22 June 2007) the then Caretaker Commission was illegal (Ref: Appendix H) Legal documentation dated 10 February 2010 from High Court and Supreme Court Ruling).

10) It was noted that there was personal interest and conflict of interest on the part of the Chairperson of the illegal Caretaker Council (M. Mahachi) as confirmed from documentation on meetings held at Augur.

Augur Investments breached the Agreement (4.2.1.) which states that the parties agree that Augur shall provide an initial list of equipment for duty free import but instead chose to hire a contractor (Power Construction) to do the preliminary works. This was not communicated to Council.

Ninty three comma zoro nine (93, 0993) ha pieces of land were transferred to the below mentioned shelf companies which had no evidence of legal links with Augur as payment for the preliminary work done on the road:-

Yellow Seat	– Stand 19345 HTL
Home Day Properties	– Stand 19609 HTL
Ice Class	- Stand 19610 HTL
Doorex	- Stand 19672 HTL
Electro	- Stand 19673 HTL
Express	- Stand 19674 HTL
Home Villa	- Stand 19675 HTL
Total Area	- <u>93, 0993 ha</u>

NB The Committee noted that the file for stand 19673 allocated to Electro Company could not be found. Some of the files provided to this committee had most of the information pulled out to dupe the investigation team.

All meetings of Airport Road project were held at Augur's Milton Park Offices, Ministry of Local Government, and Classic Offices without informing Council.

The Chamber Secretary was advised not to be involved in the Airport Road project by the Minister (I.Chombo) but her subordinate, (Chief Legal Officer) was to be the Council's legal representative in the project.

There was no evidence to show that tax was remitted to Government after Council made its payments to Augur.

According to statements made by the Town Clerk, the City of Harare's role on Airport Road project was regulatory whilst Augur's obligation was that of completing the road and hand it over to Council. The machinery and equipment used during construction was also supposed to be handed over to Council.

NB The handing over of the equipment was the integral part of the agreement but this was not done since Augur brought no machinery and equipment as agreed.

Augur confirmed through one of its directors (Mr. Demos Sophocles) that machinery and equipment was not brought before the commencement of the Airport Road construction because they were waiting for acknowledgement of their price submissions. However, preliminary work started through sub contracted companies and hired machinery and equipment.

The Committee noted that Mr. M. Mahachi later declared his interests only after resigning from Council and also after having identified land to be transferred to Augur

The Special Committee also carried a site visit of the Airport Road project and noted that–

- (1) Operations at the Airport had since stopped.
- (2) There was no machinery and equipment on site.

The Committee later visited the office of Augur in Milton Park with a view to gather more information.

A meeting was held with Mr. Demos Sophocles. He advised that Augur came to existence during the invitation of foreign investors into the country.

He also confirmed that certain pieces of land from the City had been transferred to certain shelf companies mentioned above. However, Mr D.Sophocles said that he was not directly involved in the land transactions.

There were steering committee meetings held with Augur, Ministry of Local Government, and the City of Harare.

It was confirmed that the tripartite team had agreed to the development of Airport Road. The cost was derived from a similar project carried in Mhondoro/ Ngezi Road construction.

SUNSHINE DEVELOPMENTS DEAL (WARREN HILLS GOLF COURSE PROJECT)

Background information

The agreement between the City of Harare and Augur was that, Augur was to avail finances for the construction of low and medium income houses in the Warren Hills Golf Course area and Hopley Farm respectively. They were also to construct a hotel in the Golf course area and a truck-inn near Mbudzi Round- about in the Hopley area. Council was to provide land for all the projects. The percentage shareholding for Augur was agreed to be 70% and 30% for City of Harare.

The project started in 2007 with a Memorandum of Understanding signed during Sekesai Makwavarara commission era while the Memorandum of Agreement was signed during Michael Mahachi commission era.

Sunshine Development (Pvt) Ltd is the Special purpose vehicle, which came out from the agreement between City of Harare and Augur.

It was discovered during investigations that Sunshine Development Pvt. Ltd had six directors namely

NAME OF DIRECTOR**NATIONALITY**

- | | | |
|----|-------------------------|--------------|
| 1. | Kenneth Raydon Sharpe - | South Africa |
| 2. | Olelcsandr Sheremet - | Ukraine |
| 3. | M.J. Van Blerk - | Zimbabwe |
| 4. | Tendai Mahachi - | Zimbabwe |
| 5. | Psychology Chiwanga - | Zimbabwe |
| 6. | Alistair Gibson - | British |

LAND IDENTIFIED FOR SUNSHINE DEVELOPMENT CONSTRUCTION

The table below shows the land that was identified for the Sunshine Development projects.

STAND	SIZE/HA	TITLE NO.
8113 Warren Park	80,5	7483/08
8118 Warren Park	20,7	7801/08
19600 HTL	3,3	7799/09
33 Tariro Hopley	6,1	6316/08
34 Tariro Hopley	9,3	6299/08

RECOMMENDATIONS ON AUGUR INVESTMENTS

- 1) Council land transferred to Augur must be returned since Augur has breached on its obligations on the deal. Machinery and equipment which formed the basis of the deal has not yet been delivered .Augur is only a middleman with no capacity to carry out the work on Airport Road
- 2) The Council's tender procedures were not followed therefore the committee recommends that Council reconsiders its position in the deal.
- 3) Disciplinary action be taken against the Town Clerk for authorising the issuing of Title Deeds to Augur without seeking Council approval.
- (4) Disciplinary action be taken against Engineer Pfukwa for authorising payment of Certificate Number 1 of US\$3 909 129 without Council approval.

- 5) Disciplinary action be taken against Engineer Munyonga for defying Council decision that all Council employees should stop attending anything to with Augur.
- 6) The Airport Road project be continued on the conditions that Augur first brings machinery and equipment as per the Memorandum of Agreement between City of Harare and Augur Investments. Failure by Augur to adhere to the Agreement, Council should engage Power Construction SA on the terms stated in their quotation to Augur, to continue with the project.

NB Power Construction is the company subcontracted by Augur to do the work on Airport Road.

- 7) All Council land transfers (i.e. Title Deeds) should only be signed for by The Mayor of Harare, Town Clerk and The Chamber Secretary.

(D) ILLEGALLY ALLOCATED PROPERTIES BY THE DEPARTMENT OF URBAN PLANNING SERVICES 2007-2008

I. Background information

City of Harare sales land through two of its departments namely, Department of Urban Planning Services (DUPS) and the Department of Housing and Community Services (DHCS) using the land release and the allocation policies respectively. According to these policies, DUPS sells commercial and industrial stands while DHCS sells residential stands.

Whenever land is identified for use, the DUPS surveys, subdivides the land into stands and then foster a report to the Environmental Management Committee for its considerations and approval. If the committee approves the plans, DUPS through its valuation division fosters another report with some proposed prices to the Finance and Development Committee for its consideration and approval. If the committee approves the prices, and are adopted by Council, residential stands will be forwarded to DHCS for allocation to the people on the housing waiting list while

commercial/industrial stands remain with DUPS for allocation through tender.

2. ANOMALIES DISCOVERED IN THE LAND ALLOCATION (2007-2008)

While Council has a clear land allocation policy, the Investigating Committee uncovered gross irregularities in the land allocations during the period between the end of 2007 and mid 2008 (code-named "the money burning" period). People who were not on the housing waiting list benefited including foreigners who acquired land using the Zimbabwean dollars. Examples are Chinese nationals namely Fin Lianging and his wife who both got more than ten thousand square metres of land known as Stand 200 Borrowdale.

Other beneficiaries are found (see appendix U) but of notable interest are the current appointed Councillors, Thembinkosi Magwaliba, H. Torongo, Michael Mahachi, Shasekant Jogi, H. Torongo and Alfred Tome.

Some individuals and companies got more than one stand for example Shelter Inco which got three stands and Tabeth Zwiwati who also got two stands in Glen Norah. The Minister of local government also benefited from these irregularities by acquiring several stands for himself through his Investment Vehicle companies, which include Harvest-net investments, Waywick Investments, Waycorn Investments, Tonewick Investments and Nedbourne Investments.

Of particular interest is the vast tract of land known as stand 61 Helensvale detailed below:-

ANALYSIS OF SEQUENCE OF EVENTS FOR STAND 61 HELENSVALE

^{4th} October 1990 change of use was first discussed in Full Council Meeting, which then resolved on 22 September 1992 that, " 61 Helensvale be subdivided and sold to people on the housing waiting list as sub serviced stands"

By then, there was no need to seek the Minister's consent for the change of use on 61 Helensvale since it had an approved Town Planning Scheme according to (Section 41) of Regional, Town and Country Planning Act 1976).

Council on 2nd December 1992 according to letter from the then Town Clerk agreed to the sale of subdivision of stand 61 Helensvale.

According to the former Council Lawyers, Honey and Blackenberg, Council withdrew the change of use on 61 HELENSVALE after residents of Budleigh Park had objected in June 1994. They wanted it to remain a natural reserve area and formed the Budleigh Park Natural Reserve Association comprised of households in the neighbourhood.

Later the Town Clerk advised the Association that, they had suspended the subdivision of 61 Helensvale.

Below are names of people and companies who also applied for the same stand but turned down citing the previous Council resolution:

Mr. Edson Jon Zimbanda and Aggrey Francis Samasuwo (20 September 1996)

Eddy A. Chirwa of Jew Construction (17th October 1996)

Dotworks (Pvt) Ltd (18th September 2000)

Mrs. Petunia Chiriseri (2nd February 2004).

World Ablaze Ministries (1st August 2006)

Mr. T.T. Mangabe (1 November 2006).

Several communications were made by Council to the Local Government Minister pertaining to the applications for stand 61 Helensvale

Minister Chombo wrote a letter on 13 December 2006 addressing to Dr. T. Mahachi as Town Clerk proposing his acquisition of Stand 61 Helensvale. **NB The date of last applicant (01/11/2006) and**

date of the Minister's proposal to acquire the stand (13/12/2006).

Director P. Chiwanga responded to the Minister's application advising him that he would assist Dr Chombo to get the stand.

On 21 March 2008, Chiwanga tabled a report to Council advising about the Minister's application. The Director also recommended to Council that, the Minister be sold the stand without going to tender as per Council Policy (see annex X).

The Commission considered the report on 21 March 2008 and on 25 March 2008 urgently sat again, pegged the price and sold the stand on the same day.

Two days later (27/03/08) Chiwanga wrote to Minister Chombo advising him that Council had agreed to his application. NB Director Chiwanga was acting more like Minister Chombo's agent since he influenced the Commission to sell the stand without going to tender as per the Council policy and he continuously updated him on progress on the matter.

Change of Land use was only approved on 28 March 2008 by Minister Chombo way after he (Dr Chombo) had already bought it.

According to the advice of sale, the stand was sold on the eve of the March 2008 harmonized elections

FINDINGS AND OBSERVATIONS ON STAND 61 HELENSVALE

- 1) Minister Chombo acquired the stand irregularly since he did not follow Council's laid down procedures.
- 2) The Director of Urban Planning Services influenced the illegal Commission to sell the stand to the Minister without going to tender as per Council policy and he continuously updated him on progress on the matter.
- 3) Several applicants were turned down citing Council resolution but the Minister got the stand without considering the same standing resolution. The Council resolution

concluded with the Town Planning Scheme of that area which had reserved the land for recreational purposes.

- 4) The Minister got interest of the property after considering several applications (which he turned down citing town planning scheme) forwarded to his office for approval.
- 5) Dr Mahachi acted in cahoots with the Minister to acquire the stand since he acted on the Minister's letter while he was still a consultant/strategist of the City of Harare. See appendix Y

NB The date of the letter from Minister Chombo and the date it was acted on at the City Valuation Offices.

- 6) The land was sold to Minister Chombo without following Town planning procedures. Change of land use was approved on 28 March 2008 after he had already bought the stand on 25 March 2008.
- 7) **NOTABLE OBSERVATION**

The Director of Urban Planning Services (P.C Chiwanga) who is involved in these shoddy land deals was formerly employed in the Ministry of Local Government before being seconded to Council. He was later elevated to head the Department of Urban Planning Services after the unceremonious dismissal of Engineer Christopher Zvobgo. M. Gandiwa who worked as a Planner in the same Ministry and was responsible for approving change of land use for the Minister was also seconded to Council as City Planner on the eve of the 2008 harmonised elections.

- 8) **CONFLICT OF INTEREST:** The Investigating Committee noted with concern that the Minister would "identify" land, and then council would apply to him for change of land use of the stand applied for, he in turn would approve the same and advise Council before buying the property. (See appendix Z)

RECOMMENDATIONS ON STAND 61 HELENSVALE

Council should repossess Stand 61 Helensvale because;

- 1) It was acquired irregularly.
- 2) There was conflict of interest on the part of the beneficiary (Dr I.M.C Chombo).
- 3) Stand 61 Helensvale should revert to its Town Planning Scheme purposes and remain an open space for recreational purposes.

ANALYSIS OF STAND 802 GLEN LORNE

29 April 2004 application for change of reservation from Local Authority to residential purposes was made by Council.

2 August 2004 Council received application from M. Mnaba for the above stand.

4 August 2004 Town Clerk responded and advised that the change of reservation was still in process.

19 October 2004 an application was received from Johane Masowe (Jerusalem) Sect for permission to worship on the stand.

16 December 2004 Town Clerk responded advising them that, the land was not zoned for church purposes.

14 March 2005 Mr N Muhera (from the President's Office) applied for stand 802 Glen Lorne and the matter was referred to Director of Housing and Community Services.

In May 2006 the Minister of Local Government (Dr I.M.C. Chombo) and Minister R. Gumbo held a Meeting with the then Mayor regarding the possibility of acquiring the same stand for Minister R. Gumbo.

11 August 2006 Mr J.K. Madzinga made an application for stand 802 Glen Lorne after ceding his stand 349 Glen Lorne which had problems and was told that the property was meant for recreational purposes.

31 January 2007 a letter was received from Ministry of Local Government requesting for Stand 802 for the purpose of

residential use by civil servants and other 'fitting' persons on 10% commonage.

19 March 2007 a meeting was held by the Commission on the transfer of stand 267 Glen Lorne to the state on 10% Commonage.

27 March 2007 Town Clerk, Dr. T. Mahachi responded to Ministry of Local Government on the outcome of the 19 August 2006 meeting of the Commission.

2 May 2007 Ministerial directive to transfer free of charge Stands 267, 349 and 802 Glen Lorne to Government.

19 July 2007 (item 11) the Finance Committee considered a report on the transfer of stand 2910 Glen Lorne of Lot 267 to Government. The report also advised Council of Government's request to transfer stand 802 Glen Lorne to government for the benefit of unnamed senior uniformed officers.

13 May 2008 permit for subdivision of stand 802 Glen Lorne Township (proposed change of reservation from Local Authority use to residential) was granted.

4 August 2008 Memorandum of Agreement of Sale of stand 2947 Glen Lorne of Lot 802 Glen Lorne Township was signed in favour of O.C.Z. Muchinguri (See Appendix P)

18 January 2009 Director of Urban Planning Services responded to one of the several applicants (J.K.Madzinga) advising that the stand had already been allocated.

30 January 2009 Ocean Petroleum wrote to Director of Urban Planning Services on a proposal to purchase pieces of land for senior personnel/consultants/directors.

22 October 2009 Dube, Manikai and Hwacha wrote to DUPS advising on transfer of stand 2947 Glen Lorne Township of Lot 802 Glen Lorne to O.C.Z. Muchinguri.

ANALYSIS OF STAND 267 GLEN LORNE

22 January 2007 the Acting Director of Housing and Community Services wrote a memo to Director of Urban Planning Services

seeking clarifications from both the Chief Government Valuer and representatives of Bosom Fly Enterprises about the sale of stand 267 Glen Lorne which could not proceed.

19 March 2007 the Finance Committee (Item 6) deferred the recommendation to rescind the decision to sell stands 267 Glen Lorne to Bosom Fly pending submission of information on:

the legal basis for coming with the decision to transfer the stand mentioned as 10% Commonage Entitlement.

The events that had led to the initial allocation of stand 267 Glen Lorne to Bosom Fly Enterprises.

Correspondence from the Ministry of Local Government.

the profile for the company which was the beneficiary of the stand.

27 March 2007 the Town Clerk wrote a letter to the Ministry of Local Government advising on the decision of the Commission on the matter (See appendix S)

2 May 2007 the Minister of Local Government directed Council to transfer stand 267, 349 and 802 Glen Lorne free of charge to Government. The City would be compensated with land which would be acquired by the state in future.

19 July 2007 (Item 11) Finance Committee considered the matter again and recommended that the decision to sell portion of stand 267 Glen Lorne to Bosom Fly enterprises as recorded under Item 2 of the Finance Committee minutes dated 22 August 2005 be and is hereby rescinded as directed by the Minister of Local Government and stands 267, 349 and 802 Glen Lorne be transferred to the government. The government would later transfer land to the City when available.

20 November 2007 Chihambakwe, Mutizwa and Partners wrote to City Valuer and Estates Manager that action was being done to transfer the stands 2910 of stand 267 Glen Lorne and Lot 13 of FA QUINNINGTON to the Government of Zimbabwe.

22 September 2009 Ministry of Local Government (K. Mpingo) wrote to Town Clerk requesting that stand 267 Glen Lorne be

allocated to O. Chitsinde who was owed land measuring 1, 2128ha by Government.

13 November 2009 the Ministry of Local Government (L. Chimba) wrote to Town Clerk and requested that Title Dees for Stand 267 Glen Lorne be passed to Mrs Debra Marufu.

24 November 2009 Director of Urban Planning Services wrote to the Ministry of Local Government in respect of allocation of land to Mr O. Chitsinde and advised that the contents had been duly noted and the matter had been referred for inter departmental consultations.

11 February 2010 Mr O.Chitsinde wrote to City Valuation and Estates Management (CVEM) complaining that stand 267 Glen Lorne is water logged hence unsuitable for allocation for residential property development.

19 February 2010 City Planner wrote to CVEM advising on site visit made by the department together with Mr O. Chitsinde and that the client may identify another piece of land.

COMMENTS AND OBSERVATIONS ON STANDS 267,349 AND 802 GLEN LORNE

- a) Stands 267, 349 and 802 Glen Lorne were subdivided into various stands each with its own file.
- b) Minister I.Chombo gave a directive to council to surrender all the three stands to Government free of charge and Government would avail land to council when it acquires more land from neighbouring farms.
- c) All the stands were sold to people who were not on the housing waiting list through directives from the Minister. This was against the standing council policies and regulations.
- d) The 10% commonage retained by Government on land given to council was abused. The land retained is meant for future public institutional developments **i.e. schools, police stations, hospitals etc.** Instead of giving land to these deserving institutions, the Minister opted to dish-out land to his friends for residential purposes.

- e) The investigating committee noted with grave concern that Title deeds for these and other stands were issued straight from the Director of Urban Planning Services' office instead of the CVEM offices.
- f) There was an unauthorised system of processing and issuing of Title Deeds under the new code 'MSA' (Municipal Sales Agreement). Council has its official system for processing and issuing titles under code 'CVEM' (City Valuation and Estates Management). The Mayor should sign on these Titles but his signing party was left out to make sure he (The Mayor) is not involved.
- g) The Committee noted that out of the 26 Municipal Sale Agreements (MSA) issued, 18 stands were sold using a Resolution of the Minutes of the Finance Committee dated 12 October 2006 (Item 41) that had resolved to sell stand 14973 STL to Tendayi Savanhu. The remainder of the MSA had fake dates of the Finance Committee meetings. It was discovered that severance packages were given to the Commissioners in return for '*work*' done for the Minister. Some Commissioners like Dr Shasekant Jogi got as much as 40 371 square metres as a parkage. **NB Dr Jogi was returned as a Special Councillor in this new Council.**
- h) All the twenty six (26) stands under the MSA Titles either given to Commissioners or sold to people who were not on the Housing Waiting list were not issued Advice of Sale Forms. According to the Treasury Department, this means these properties are not paying any rates, water charges, sewer charges nor refuse removal charges to Council. The full price for the properties may not have been paid for these properties because no one can trace it when there are no Advice of Sale forms issued.
- i) The Committee noted that there was a clear abuse of office on the part of the Minister since he wrote directives of allocation to Council and that is not under his purview. The Minister requested land from Council based on 10% commonage purporting that they will compensate Council but the Investigations Committee noted that Council has not yet been compensated for its land. Also noted was that the

10%commonage pieces of land have already been distributed to people and Companies instead of remaining reserved for the construction of schools, hospitals, police stations and others for public use.

RECOMMENDATIONS ON STANDS 267, 349 AND 802 GLEN LORNE AND PROPERTIES UNDER MSA

- 1) All the stands under title MSA instead of CVEM must be repossessed by Council since they were irregularly issued. Holders of such title deeds must bring the paperwork as required by the Act to get them regularised.
- 2) The Parliamentary Portfolio Committee on Local Government be requested to investigate further the issue relating to 10% commonage and how such land has been used by both Council and Government. The investigations must spread to all cities and towns in Zimbabwe since this 10% Commonage also applies in their operations and could have been abused.
- 3) City Valuer and Estates Division should revert to City Treasurer's Department since it deals in finance matters.
- 4) Disciplinary action must be taken against the following Senior Officers :
 - a) Dr Tendai Mahachi (Town Clerk), for authorizing the sale of Council Land without approval as per procedure.
 - b) Psychology Chiwanga (Director of Urban Planning Services), for selling Council land without the knowledge of Council.
 - c) Cosmas.T.Zvikaramba (Finance Director) for knowingly receiving payment of illegally processed Agreements of Sale. He ignored Council procedures which states that all such payments must be done at Sunningdale District Offices.

(E) LAND ACQUIRED BY MICHIEL MAHACHI

During his Term of Office as Commission Chairperson, Mr. Michael Mahachi bought various pieces of Council land in his name and his Companies' names. These include:

- I. Remainder of Stand 249 of Vainona Township measuring 2.4 hectares. This stand is registered under his company known as Blessings Unlimited. The Agreement of Sale was signed on the 15th February 2008.
- II. Stand 19280 Harare Township measuring 2.5 hectares, was sold to Commissioner Mahachi through his Company Mahachi, Gwaze and Partners.
- III. There are other Council pieces of land acquired by Mr. M.Mahachi under his company called Mahachi Estates and Partners. An account SUN 00044 was opened on the payment of this stand but when enquiries were made about the file for this stand, it was found missing. This committee recommends that the Audit Committee should further investigate this matter to get to the bottom of the issue.
- IV. Stand 742 Greystone Park measuring 4 200square metres was also given to Mr M. Mahachi as his parkage benefit by the Minister just before he left Council.

(F) IRREGULARITIES IN ALLOCATION OF LAND TO COUNCIL EMPLOYEES AS JOB RETENTION

Council resolved to come up with a retention scheme policy meant to motivate all employees by offering them to buy residential stands.

LOW AND MEDIUM INCOME AND EXECUTIVE EMPLOYEES

The Committee interviewed the Deputy Director of Housing and Community Services and Mrs Fologwe (Housing Allocations Division) on the land allocated to employees in Valley Lane and Crowborough, and enquired whether the scheme had benefited the intended employees.

The committee also enquired whether there were any resolutions from Council or directives from the Minister for Council employees in Grade 4 and below to buy stands at 33% discount.

FINDINGS ON JOB RETENTION SCHEME

There are two categories of job retention schemes, one for the low and medium income employees and the other for the executives.

Those in the executive group pay 33% of the stand value while the low and medium income employees pay the full purchase price.

The stands in Valley Lane and Crowborough were meant for Council employees in the low and middle-income groups.

The allocations committee did not allocate the stands but this was done by the Harare Municipal Workers' Union. This was totally against Council policy and regulations.

Non-Council employees also benefited in this retention scheme at the expense of the intended beneficiaries.

Some beneficiaries got double allocations because were allocated stands in both Valley Lane and Crowborough.

RECOMMENDATION ON JOB RETENTION SCHEME

Allocation of stands in Valley Lane and Crowborough by Union members were irregular hence, the Audit Committee to further investigate the issue.

Those stands allocated to non Council employees must be repossessed and allocated to employees on the Employees' Housing Waiting List .

The Audit Committee further investigates multiple and double allocations made by the Union on Valley Lane and Crowborough stands (appendix J).

All land sold by council to *bonafide* beneficiaries on the Housing Waiting List in all suburbs of Harare and paid for during the "Money Burning Period" October 2007 to January 2009 need re-valuation. This is so because Council land was lost at prices below as little as US\$100 during that period. The Waiting List was not even followed and this makes most of these sales irregular. A proper price should be reached with those who were on the Waiting List so as to come up with a price that does not disadvantage either Council or the beneficiaries.

All land sold to people and organizations who were not on the Housing Waiting List during the same period October 2007 to

January 2009 must give back Council land for re-allocation to the people on the Housing waiting List.

INTERVIEW WITH THE AUDIT MANAGER

The Committee enquired on the instruments used in monitoring land sales/leases and whether there were any irregularities encountered.

FINDINGS FROM THE INTERVIEW

- (1) No land audits had been carried out between 2005 and 2009 because of manpower and vehicle shortage. In the past eight years, only two audits were done with the last being in 2004.

People who were not on the waiting list, and did not meet the requirements were allocated land.

- (3) Some people who were not supposed to benefit were allocated land, after priority dates were backdated. Even dates of birth were tempered with and directives given resulting in minors being allocated land.

(F) IRREGULARITIES OBSERVED IN COMMERCIAL LAND SALES AND LEASES

The Committee discovered that there were so many irregularities in the commercial land sales and leases resulting in site visits to some of the Council properties in various Wards.

The following are some of the sites visited:-

ADONAI MINISTRIES: BUDIRO

The Committee discovered that:

The stand is too big for the intended project

No developments/activities in line with the approved intended project are taking place.

The stand was on lease but later sold to Adonai in unclear circumstances.

There was controversy between Adonai and residents since the land was the only recreational facility reserved for the area.

The Investigations Committee agreed that the matter be referred to Environmental Management Committee.

STAND NUMBER 3 WATERFALLS

Following the site visit the Committee discovered that:-

The stand was leased to Guveya for a Caravan Park but it is zoned for a primary school.

The lease expires in 2012

There are building structures being erected which contradicts clause 5 of the lease agreement.

On further inquiries, the committee noted that the owner has diverted from the agreement and is now constructing lodges. There are more than 15 structures at slab- level.

The Audit Committee need to investigate further other stands on lease to include the multiple stands allocated to Herentials College

RECOMMENDATION FOR STAND NUMBER 3 WATERFALLS

The lease agreement must be cancelled forthwith because the leasee is in total breach of the agreement. (Refer to clause 5 of the lease agreement).

Stand 137 Biddle – Waterfalls

The Special Committee visited the site with the assistance of the local Councillor and noted that the stand was subdivided. Remainder of 137 is being leased to F. Zawa as Sports Club and the lessee was not paying any rentals to Council.

The other part was being leased by Moses Chunga Academy and there were no activities taking place. The committee expressed the need for the relevant committee to further investigate the issue

since there is nothing in black and white with Council to confirm Chunga's occupation.

RECOMMENDATIONS FOR STAND NUMBER 137 BIDDLE

- (1) The illegal occupants on the above stand must vacate the premises as soon as possible.
- (2) Proper Lease agreement must be entered into with serious investors.

GAZALAND COMPLEX ACTIVITIES

Assisted by the local Councillor, the committee visited Gazaland area and noted a double storey building being erected on Council land without its approval.

Stand 8735 – Western Triangle (Highfield)

It was found that the stand was subdivided into five (5) stands without the approval of Council.

(e) CBZ PROPERTY OPPOSITE GREENWOOD PARK

The Special Committee noted that the City had exchanged land earmarked for people's markets with CBZ. The land is opposite Greenwood Park and was exchanged for thirty three (33) BT50 trucks.

The Committee recommends that the Audit Committee gets to the bottom of the matter by verifying the paper work used to determine the values used in the exchanges.

(f) STAND 625 MANDARA

The City of Harare exchanged Stand 625 Mandara with Chiyangwa's Company for vehicles and salaries. The stand is zoned for cluster houses and a durawall has already been erected around the property. One wonders why our learned Officials could exchange land with salaries in an inflationary period where the Zimbabwean dollar was depreciating in value while land was appreciating.

The Committee recommends that the Audit Committee gets to the bottom of the matter by verifying the paper work used to

determine the values used in the exchanges

(g) Stand 11267 STL (Belvedere)

The Special Committee visited Stand 11267 STL (Belvedere) and noted that Council had sold the stand to AEM Motors. The Stand had controversy in that Council Officials were involved in the dubious transfer of this piece of land. The one who bought the stand sold it to another person before any developments were made to the property. This is contrary to the Council's regulations. Council subdivided the stand into five properties intending to create a stand for Ms Makwavarara (stand 19233 HTL of Lot 11267 STL Belvedere) only to realise that the stand had already been sold to another person.

The Investigating Committee discovered that Ms Makwavarara is still owed land by Council to replace stand 19233 Belvedere.

The Investigating Committee recommends to the Audit Committee to further investigate how Ms Makwavarara had obtained that stand in the first place.

RECOMMENDATIONS ON COUNCIL LEASED PROPERTIES

Council is losing a lot of money through leasing private properties at commercial rates while letting its own properties to some individuals and organisations at concessional rents. A notable example is our water department which is leasing Old Mutual Offices yet some individuals and organizations are operating at Council's Trafalgar Building.(See Appendix Z)

This committee therefore recommends that all council properties on lease must be reconsidered in order to create space for departments' offices. Water offices must be located at Trafalgar Building while CVEM is moved to Rowan Martin Building where it belongs. The Audit Committee must establish a register of all rented Council houses and other properties verifying whether they are abiding by the terms and conditions of the agreements.

CLOSING REMARKS

City of Harare lost vast tracts of land through irregular sales some of which were done by offices not authorised to carry out such

responsibilities. The greater percentage of land lost was during the period Dr Gono would prefer to call “the money burning period”. The Investigating Committee established that, most illegal land sales were done by the Commissions appointed by Hon. Minister I.M.C Chombo(MP especially the one led by Michael Mahachi. The committee also noted that during the tenure of these Commissions, Dr. I. M.C. Chombo would mastermind the expulsion of Senior Council Officers whom he deemed obstacles . The Minister would then second Technocrats from his Ministry to fill these influential senior positions in Council. Notable examples are:

(a) **Engineer Zvobgo**

The department headed by Eng.Zvobgo was the one responsible for preparing land for sale before handing it over to the Housing Department for allocation. Soon after his expulsion, the Department was divided into three, creating the one now headed by Psychology Chiwanga who was formerly under Dr. Chombo’s Ministry. The second Department created, the Department of Engineering Services is now headed by the Minister’s brother-in-law Eng. Phillip Pfukwa. Engineer Zvobgo had only to win a court case to come and now head the third department, responsible for water and sanitation.

The current City Planner Mr. M. Gandiwa was seconded to a section mainly responsible for preparatory stages of land alienation. This appointment was done on the eve of the inauguration of Mayor Masunda’s sitting Council. When Mr. Gandiwa was still under the Ministry of Local Government and Urban Development Services, he was used to approve “change of land use” for stands the Minister was interested in e.g. number 61 Helensvale.

It is so puzzling that while the Honourable Minister Dr I.M.C Chombo was busy, castigating Chitungwiza Councillors for turning recreational facility stands into residential; he was doing the same in Harare at a much larger scale.

(b) **Numero Mubaiwa**

The Department of Housing and Community Services was headed by N. Mubaiwa (now in America) until he was

unceremoniously fired by the Makwavarara Commission. Mr. Justin Chivavaya who was formerly employed under Minister Chombo's Ministry as a Provincial Administrator replaced him. This Department is responsible for allocation of residential stands hence the interest of the Minister to control this important/strategic department. The former Director went to court about his dismissal and won the case but Minister Chombo threatened Mayor Masunda's Council with dismissal if ever the Council agreed to re-instate him.

(c) **Misheck Mubvumbi**

Mr. M. Mubvumbi was suspended in unclear circumstances. By then he headed the City Treasury Department. His deputy, Mr. Cosmas Zvikaramba was immediately appointed substantive Director of this department before the finalization of Mr. Mubvumbi's case. Mr Zvikaramba was now being used to sign documents pertaining the final sale of land. Examples of deals he was involved include the waiving of rates in the Chiyangwa's Kilima Investments and Odar Farm. In the Number 61 Helensvale saga payments of such were made through his office instead of through Sunningdale District offices. M. Mubvumbi was later reinstated by the current Council against the Minister Chombo's wishes.

I would want to finish off this report by thanking all those who participated to make these investigations a successful operation. Of special mention are all the members of this special committee who volunteered their precious time to bring these investigations to their meaningful conclusion. Also of special mention are the Harare City Councillors who supported us to make these investigations a great success. The Mayor has been of great encouragement when we got into shortcomings. We will always respect him for his wise counsel. Last but not least special thanks go to the Council staff and the Augur personnel who provided us with some useful information in the production of this report.

CHAIRMAN: **DATE:**
Councillor W.Dumba (Ward 17) (Mount Pleasant)

APPENDICES

- Appendix A:** Finance Committee Minutes dated 12th December 2008 (Item 8).
- Appendix B:** Letter from the Ministry of Local Government reversing Council Decision.
- Appendix C:** Caretaker Commission (Item 10 dated 26th June 2008) Minutes on cancellation of land exchange.
- Appendix D:** Power of attorney
- Appendix E:** Extract of minutes of Kilma Board of directors.
- Appendix F:** Waiver of Rates on Chiyangwa deal.
- Appendix G:** Letter from Director of Urban Planning Services to Kilma Investments.
- Appendix H:** Letter from Chamber Secretary on legality of past City of Harare Commission and Caretaker Administration.
- Appendix I:** Deed of Transfer in respect of Derbyshire stand and City of Harare Stands.
- Appendix J:** Harare Municipality Workers Union Crowborough Housing Pay Scheme.
- Appendix K(1):** Letter from Legal Division on its observation on 389 Derbyshire.
- K(2):** Deed of Transfer No. 2688/09.
- Appendix L:** Municipal Sale Agreements issued by Director of Urban Planning Services.
- Appendix M:** Deeds of search for properties of Augur.
- Appendix N:** Memorandum of Agreement of Lease for Stand 365 Beverley East (Nerdbourne Investments).
- Appendix O:** Memorandum of Agreement of Sale for Stand 293 Avondale of Lot 48 Block D (Harvest – NET. Enterprises) Application letter for the stand.
- Appendix P:** Memorandum of Agreement of sale for stand 61 Helensvale (Harvest – Net Enterprises).
- Appendix Q:** Memorandum of Agreement of Sale for stand 2947 of 802 Glen Lorne (D.C.Z. Muchinguri).
- Appendix S:** Application to acquire stand 267 Glen Norah 4.
- Appendix T:** Certificate to lease land.
- Appendix U:** Beneficiaries of other stands.
- Appendix X:** Application for stand 61 Helensvale, Approval by Council.
- Appendix V:** Advice of sale of stand 61 Helensvale.
- Appendix R:** Council offices at Trafalgar Court.