

RE: OPEN LETTER TO GOV. BABAJIDE SANWO-OLU: LEKKI GARDENS ESTATE LIMITED/FORESHORE WATERS LIMITED OVERBUILDING AND SUNDRY INFRACTIONS IN OSBORNE FORESHORE PHASE 2 ESTATE, IKOYI



Our attention has been drawn to the publication by Lekki Gardens Estate Limited/Foreshore Waters Limited in THISDAY newspaper of March 23, 2021 in response to our Open Letter to His Excellency, Governor Babajide Sanwo-Olu of Lagos State on Lekki Gardens Estate Limited/Foreshore Waters Limited numerous building infractions in Osborne Foreshore Phase 2 Estate, Ikoyi.

Inasmuch as we, the residents of Osborne Estate Phase 2, under the aegis of OSFRA, have no desire to engage in a back-and-forth with Lekki Gardens Estate Limited/Foreshore Waters Limited, it is incumbent upon us to lay bare the series of half-truths and blatant lies concocted in the tepid rejoinder. The rejoinder is a crafty attempt at misleading the general public and a ploy to redeem a flagging image.

To be clear, we state the following as a rebuttal to the various false assertions made in the Lekki Gardens Estate Limited/Foreshore Waters Limited rejoinder.

1. LEKKI GARDENS ESTATE LIMITED AND CRIMINAL PROSECUTION FOR BUILDING INFRACTIONS

We restate that Messrs Lekki Gardens Estate Limited, its Managing Director Richard Nyong and six other defendants were successfully prosecuted by Lagos State Government on a six-count charge bordering on failure to obtain building permit and five counts of involuntary manslaughter in relation to the collapsed five-storey building at Kushenla Road, Lekki which claimed at least five lives namely William Akpati, Kazeem Ilesanmi, Raphael Ezech, Saminu Umar and Sunday Ezech. It is noteworthy that the court rejected an initial "Plea and Sentence Agreement" presented by the parties. In July 2020, the court entered a revised "Plea and Sentence Agreement" as the judgement of the court wherein Lekki Gardens Estate Limited agreed to pay compensation to Lagos State Government and the estates of the victims. Obviously, the last has not been heard of the judgement, as it is yet to be subjected to public opinion and critical review.

2. LEKKI GARDENS ESTATE LIMITED/FORESHORE WATERS LIMITED AND OBTAINING OF PROPER PLANNING APPROVALS.

Lekki Gardens Estate Limited/Foreshore Waters Limited Estate Limited only obtained PROVISIONAL BUILDING PERMITS in 2018 for construction sites on Royal Palm Drive and Acacia Road. These were obtained after they had long started work on site. Even with this, Lekki Gardens Estate Limited/Foreshore Waters Limited was penalized and we were informed that they were made to pay a fine by Lagos State Government for violating the terms and conditions of the aforementioned approval. The infraction still remains on site today, in spite of an admission of guilt by way of the payment of a fine. We contend that the payment of a fine does not make good an infraction. The infraction should be removed or reversed as appropriate.

3. 'LEKKI GARDENS ESTATE LIMITED/FORESHORE WATERS LIMITED CONSISTENTLY PURSUES PEACEFUL RESOLUTIONS'

Lekki Gardens Estate Limited/Foreshore Waters Limited and Richard Nyong's concept of peace is worrisome and at variance with established norms. Mr. Richard Nyong has never attended any meeting initiated by the management of the Estate for dialogue. Instead, if he decides to honour our invitation, he sends his underlings who are incapable of taking decisions at such meetings. Curiously, as of today, Lekki Gardens Estate Limited/Foreshore Waters Limited has instituted four court actions against the Residents Association without any provocation. For someone who embraces peaceful resolutions, he is challenging our right to exist as a body, to manage the affairs of our estate – a common practice in virtually all estates in Lagos State and beyond. It is clear that Richard Nyong has no intention of embracing peace nor regard for the management of OSFRA and the well-being of residents, including his immediate neighbours.

In one of his numerous court actions, Justice Abdullahi Oyekan in a ruling on 1ST July, 2020 in Suit No. LD/9224LMW/2020 enjoined "THAT THE PARTIES SHALL MEET AND SEEK AMICABLE SETTLEMENT AND FILE THE TERMS OF SETTLEMENT OR MEMORANDUM OF UNDERSTANDING." Instead, Lekki Gardens Estate Limited/Foreshore Waters Limited Limited opted to file three other suits against the Residents, all in the bid to intimidate and cower the Residents and the Association.

Furthermore, on three separate occasions, Lekki Gardens Estate Limited/Foreshore Waters Limited blocked the entrance and exit gates of our estate with its heavy duty earth-moving equipment, thereby preventing all residents and visitors from entering or leaving the estate. Each time, residents suffered untold hardship in the hands of Lekki Gardens Estate Limited/Foreshore Waters Limited. On all three occasions, it took great restraint and maturity from Residents to forestall a 'free for all' and the breakdown of law and order.

4. 'LEKKI GARDENS ESTATE LIMITED/FORESHORE WATERS LIMITED NOT RESPONSIBLE FOR FLOODING IN THE ESTATE'

While it is true that our estate is susceptible to flooding due to its shoreline and height above sea level, the advent of Lekki Gardens Estate Limited/Foreshore Waters Limited in the estate has exacerbated flooding principally due to their unfriendly environmental practices. These include the sand filling and blockage of the natural drain canal as evidenced by the attached photographs. Despite several letters to Lekki Gardens Estate Limited/Foreshore Waters Limited to save the residents from the menace of this avoidable bit of the flooding by unblocking the canal, they have remained intransigent and unyielding.

On the claim of making a payment of N24 million, being payment for infrastructure and other developments within the estate, it is poignant to state that the payment was for various outstanding levies for various construction sites, due since 2016. Lekki Gardens



Blocked drains due to poor sand-filling activities by Lekki Gardens



The 84 units due to the distorted approved plan

Estate Limited/Foreshore Waters Limited has a penchant for delaying statutory estate payments. Find attached a Lekki Gardens Estate Limited/Foreshore Waters Limited Estate Limited letter dated 2nd March, 2018 where an appeal was made to be allowed to pay the outstanding levies installmentally. It is worthy of note that, sadly, the properties for which these payments were made were ordered to be pulled down during the administration of Governor Akinwunmi Ambode to forestall loss of lives, as the four buildings experienced acute structural failures which manifested by the buildings listing, subsiding and sinking and thereby rapidly diminishing in height. This can only be as a result of bad and thoughtless construction practices.

5. LEKKI GARDENS ESTATE LIMITED/FORESHORE WATERS LIMITED APPROVALS AND ENVIRONMENTAL IMPACT ASSESSMENT

It is easy to wax lyrical about the theory of building plan approvals and Environmental Impact Assessments. With Lekki Gardens Estate Limited/Foreshore Waters Limited, this is more honoured in breach than in the observance. For example, Osborne Residents are wondering **how the Environmental Impact Assessment done for a 28-family unit development is of relevance to the 84 family units being built on Royal Palm Drive (known as "PARADISE APARTMENTS") by Lekki Gardens Estate Limited/Foreshore Waters Limited - in total breach of the approved building plan and Environmental Impact Assessment.** For emphasis, Lekki Gardens Estate Limited/Foreshore Waters Limited/Richard Nyong and one Mr. Samson Oladimeji Sowemimo were given PROVISIONAL BUILDING PERMITS for a development known as "Paradise Apartments" on PLOT 2, BLOCK 11 on a total land area of 3,181.787 sq meters consisting of 2 (two) blocks of 28 units of flats. They are currently building 84 units of flats, to the consternation of even the Commissioner in-charge of building approvals. **No provision or consideration is being made for car parks (a minimum of 168 ought to be provided; only 64 are evident).** Sewage treatment is not in contemplation, to say the least. It appears the intention is to discharge the sewage waste (human and otherwise) directly into the lagoon.

6. LOCKING OUT OF WORKERS DESPITE COURT ORDER

Lekki Gardens Estate Limited/Foreshore Waters Limited claim of being law-abiding is blatantly dishonest, given that the company has consistently and flagrantly disregarded Estate rules that are being diligently observed by all residents and other developers. The security of life and property being of paramount importance, all construction workers are expected to be registered at the gate

before access to the estate is granted, and are expected to leave at the end of the day's work. Our estate's security team is required to grant access to all workers who are in compliance with these very basic pre-conditions for access. However, Lekki Gardens Estate Limited/Foreshore Waters Limited have on various occasions resisted compliance to these Estate rules/procedures.

7. THE JETTY LAWSUIT AND EXPOSURE OF LEKKI GARDENS ESTATE LIMITED/FORESHORE WATERS LIMITED UNDER BELLY

As stated by Lekki Gardens Estate Limited/Foreshore Waters Limited, in 2014 the OSFRA went to court to question Government's decision to build a commercial jetty right inside our gated estate and close to the only entry/exit point to our estate. Richard Nyong thinks that such lawful process was an 'egocentric and unenlightened fight with government'. The judge thought otherwise. In the main, the Judge sided with the resident's association and, full of wisdom, ruled that we should sit down with Government and chart a mutually agreeable position regarding the development. Lekki Gardens Estate Limited/Foreshore Waters Limited sees the desire of OSFRA to ensure a livable, good quality environment within our estate as a vaulting ambition for achieving 'locational exclusivity'. What a puerile argument! No wonder Lekki Gardens Estate Limited/Foreshore Waters Limited has turned himself to the 'crusader' to thwart this imaginary belief by embarking on a quest to make sure he desecrates Osborne Foreshore Two Estate by building ill-designed high-rise buildings with very poor amenities, as attested to by some who presently occupy some of Lekki Gardens Estate Limited within our estate. We will not stand by and watch this continue. Lekki Gardens Estate Limited/Foreshore Waters Limited plan to turn our estate into a GLORIFIED SLUM will be resisted by all legal means. **We insist that the activities of all home owners and developers must be contained within the boundaries of the plot of land owned by such parties. We have the law and commonsense on our side in this regard. Public facilities including roads must not be negatively impacted by the recklessness of any resident or developer.**

Lekki Gardens Estate Limited/Foreshore Waters Limited feeble and sycophantic tirade seemingly in support of Government's housing programme hoodwinks no one. It is also not an appropriate response to the unbridled breaches being committed by Messrs Lekki Gardens Estate Limited/Foreshore Waters Limited within our Estate, all of which were clearly enumerated in our Open Letter to His Excellency. Lekki Gardens Estate Limited/Foreshore Waters Limited is simply distorting the Concept of Social Housing in the quest to feather its nest. To suddenly become an advocate for the housing needs of the 'downtrodden' whilst carrying on with total disregard for established physical planning precepts is disingenuous, especially with their strategy of marketing their over developed properties as so-called "luxury apartments."

8. LEKKI GARDENS ESTATE LIMITED/FORESHORE WATERS LIMITED AND HEALTH AND SAFETY ISSUES

It is sad that Lekki Gardens Estate Limited/Foreshore Waters Limited will put itself out as the avatar of Health and Safety issues on its sites. The loss of 3 (three) lives as a result of avoidable accidents on various construction sites within our estate in recent times speaks volumes. We demand to know what compensation has been paid to the family of Mr. Steven Magilo, a construction worker who plunged to his death on 28th January, 2021 at one of Lekki Gardens Estate Limited/Foreshore Waters Limited sites in the estate. We have since reported this matter to the constituted authority. We also demand to know what steps have been taken to forestall a recurrence.

9. POINT OF AGREEMENT WITH LEKKI GARDENS ESTATE LIMITED/FORESHORE WATERS LIMITED

We are happy to note that Lekki Gardens Estate Limited/Foreshore Waters Limited has also called upon the Lagos State Government to wade into this imbroglio. Again, we lend our voice to this appeal by requesting for the urgent attention of His Excellency Gov. Babajide Sanwo-Olu who has clearly shown capacity and political will to right wrongs of this nature as is evidenced in Banana Island Estate, Magodo and other estates in Lagos.

OUR PRAYERS REMAIN:

1. An appeal to His Excellency to compel the relevant agencies to ensure that Mr. Nyong and Lekki Gardens Estate Limited/Foreshore Waters Limited comply with all relevant physical planning requirements and building approvals. All infractions should be removed even after penalties are paid. Penalties are punitive and not a procedure for making right, a wrong deed.
2. We appeal for the immediate signing off on the amendment of the Building Approval Order 2013-2033 and change of the Estate Master Plan as agreed by/with the Commissioner of Physical Planning and Urban Development.
3. We appeal for the reversion to status quo of the wrongful reclassification of Osborne Foreshore Phase 2 from a low density residential to high-density residential estate.
4. As agreed, we appeal for the formalization of the inclusion of accredited representatives of OSFRA in the notification chain during the planning approval process. This collaborative gesture can only enhance Government's drive in ensuring a better planned environment.

We remain,

Yours Faithfully

Chinwe Ezenwa-Mbah, Esq.
Chairperson, OSFRA

Sir Steve Omojor, OON
Chairman, Board of Trustees
OSFRA