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## LAND ACQUISITION FOR RESIDENTIAL PROPERTY: THE LUMBAGO FOR PRIVATE REAL ESTATE DEVELOPERS IN LAGOS STATE, NIGERIA.

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# LAND ACQUISITION FOR RESIDENTIAL PROPERTY: THE LUMBAGO FOR PRIVATE REAL ESTATE DEVELOPERS IN LAGOS STATE, NIGERIA.

**ABSTRACT:** This paper examines the land acquisition procedure in Lagos State and the challenges encountered by private real estate developers for residential property delivery, with a view to improving the provision of residential property in the study area.

Primary and secondary data were employed for the study. The data were obtained from registered private real estate developers in Lagos State through administration of questionnaire. The population consisted of 87 registered private real estate developers. A total enumeration survey was carried out on the 87 registered private real estate developers. Secondary data were obtained from gazettes and publications of the Land Bureau of Lagos State. Data collected were analyzed using percentages, relative importance index, ANOVA and factor analysis.

This study showed that intending land owners acquired land from government in any of the following ways: Land regularization, Land Use and Allocation Committee, Land Services and Land Registry. The land acquisition challenges encountered by private real estate developers included cost of acquisition, delay in the processing of land titling and harassment by indigenes; these constitute critical lumbagos/bottlenecks in residential property provision particularly for the private real estate developers. The result of factor analysis established that land management, external factors, time/procedure and institutional factors were the most significant land acquisition challenges.

The study concluded that improving the process of land titling as well as reducing the cost of acquisition could enhance provision of residential property by private real estate developers in the study area.

**KEYWORDS:** Lagos State, Land Acquisition, Lumbago, Private Real Estate Developers, Residential Property

## INTRODUCTION AND STATEMENT OF THE PROBLEM

Adequate supply of land is generally recognized as a definite requirement for sustainable housing delivery system. Unfortunately, supply of land particularly for residential property in most emerging economies is increasingly becoming more challenging with each passing day. There is a remarkable consensus among scholars on the underlying factors responsible for the challenges bedeviling the accessibility to land for residential property delivery, among which are; government expropriation of land, fake titles, land disputes and prevailing conditions in land market arising primarily from rapidly growing urban population, unfriendly and inconsistent land policies, and inefficient land administration strategies (Djire, 2007 and Faye, 2008).

Constraints to access to developable sites emanate from any of these identified factors (Omirin, 2002). Moreover, access to land fundamentally encompasses four elements and these include availability, affordability, security of tenure and ease of transaction. In other words, the problems associated with accessibility to land are in three dimensions: how to get land, how to keep the land and how to build a new strong community and social support system on that land (Boonyabanha, 2009).

The ability of a real estate developer to acquire land is dependent on the availability of land at any particular time, state of the market, planning policies and physical factors, and any particular case will also depend on the motives of the particular landowners (Wilkinson and Reed, 2008).

Also, studies such as Ajayi, (2007), Aluko et al (2004), Sivam (2006) and Giddings (2009) revealed that the apparent lack of effective land management mechanism presents a major challenge to land acquisition and the attendant implications for residential property development. This has implication for capital formation and poverty alleviation. De Soto (2001) argues that the poor cannot produce capital not because they do not possess assets. But they hold these assets in defective forms: houses built on land whose ownership rights are not adequately documented, hence, these assets cannot be profitably converted into capital, cannot be traded outside narrow local circles where people know and trust each other and cannot be used as collateral for a loan. However, in the West, land, building and equipment are represented in a property document that connects all these assets to the rest of the economy. As a result of this representational process, land and landed property information are readily available for investment decisions and acquisitions.

In many cities of developing countries, inappropriate, excessively detailed and inflexible regulatory and legal framework affecting the smooth supply of the land in the formal market are some of the factors inhibiting the private sector in the development of residential property. As a result, the urban poor and even the middle-income group often have to step outside the formal land market to gain access to land and housing.

Previous studies such as Roach et al (2009), Mahalingam and Vyas (2011) and Wong (2012) on land acquisition were conducted on developed countries. These studies examined the several processes, procedures and time to complete land acquisition. Meanwhile, Hamzah and Pasaribu (2012) examined the process and time of land acquisition for development in the public interest in three Asian countries, however, the study did not consider the implications for residential property provision.

In addition, Syagga (2010) examined the land acquisition process and procedures in East Africa. The study centered on process of land allocation by the government. Aluko et al (2004) focused on the direct allocation of land by government in Lagos State and cost of obtaining the land from the government. Sivam (2006) and Giddings (2009) examined the failure and challenges of formal residential land market in most cities in developing countries. Also, Adetokunboh et al, (2013) and Haruna et al (2013) examined the formal land acquisition system and the challenges encountered by developers. Though, most of these studies were restricted to developing countries, but the perception of respondents on the challenges of acquiring formal land are not linked with the provision of residential housing.

From the aforementioned, there is a knowledge gap in the existing literatures on studies relating to land acquisition challenges encountered by private real estate developers particularly reflecting an outlook for residential property provision.

## LITERATURE REVIEW

In most African countries, including Nigeria, land is pivotal to social, political and economic life. In other words, land has cultural, social, historical and spiritual significance to the communities, family and individual holders. The orthodox religious maintain that monuments that mark land boundaries should not be tampered with. Therefore, issues concerning land are sensitive and demands handling with care so as to avoid conflicts which may be social, political, religious or tribal.

## LAND

Land is a key factor for economic growth and development of every nation. Land in rural areas is the source of livelihood and in the urban area, the foundation for shelter. It serves as an indisputable source of wealth and employment because every activity of man is carried out on land. It is inelastic, indestructible and inexhaustible. Also, land carries both political and religious connotations (Mensah, 2006).

It is indisputable that land is an essential and perhaps the only imperishable heritage of man. Thus, it is not far-fetched to assert that land and man are two indivisible entities. However, there would not have been man but for land; all human activities are concentrated on land and nothing else (Derik-Ferdinand and Okolo, 2015). Land thus holds a central position in all human activities.

With the tremendous increase in global population, more people are moving to the urban areas, thus resulting in the need for land, purposely for housing, employment, infrastructure and services within increasingly small geographical areas (Viitanen et al, 2010). Also, land is required to be put to appropriate uses for effective management of spatial change and implementation of essential physical structures. Its acquisition is necessary by both the public and private sector so as to change its present use. Land acquisition is a global and complex problem area. It may be carried out through direct and indirect means to secure development.

## PROCEDURES, CHANNELS AND CHALLENGES OF LAND ACQUISITION

In order to acquire land for development, the developer must pass through the process and procedures of the acquisition. It is observed that though the procedure for formal land acquisition appears simple and straight forward, it actually may take a period of 6 months to 2 years to complete and this consequently makes the process cumbersome and time consuming (Aluko et al, 2004). This reality corroborates Butler's view (2012) that the procedure for obtaining a certificate of occupancy from local government in non-urban areas can involve up to 20 separate steps and in the worst cases, can take upwards to 2years to complete as applicants face the hurdle of providing complex chains of title. Furthermore, a study by World Bank (2014) on the comparism of the number of procedures, time and cost of registering property title in Nigeria and those of some countries in Africa reveals that Nigeria is ranked top according to the number of procedures with 13, highest cost of obtaining title to property with a cost of 20.8% of the property value and ranked second in the time of perfecting title with 77days. The evidence above shows the reasons why many developers prefer to patronize the informal land market for development land.

Providing evidence of land acquisition challenges from Asia, Hamzah and Pasaribu (2012) examined land acquisition procedures in three Asian countries. The study compared the time taken to acquire land in Indonesia, Malaysia and Thailand. Public land acquisition takes average period of 6 months to 39 months in Indonesia, 3 months to 18 months in Malaysia and 36 to 72 months in Thailand. It was revealed that land acquisition process for development in the public interest is cumbersome and time consuming.

Agheyisi (2013) highlights several channels through which land for residential development are been acquired by developers in four settlements in Benin City, Nigeria. Six channels were identified which include sale of privately held land; sale of customary land; sale of cooperative land; sharing of customary land to members of the community; self-allocation (squatting) and purchase of land in government layouts. The author adds that the dominant channels and institutions of land delivery in Benin metropolis are informal ones due to the failure of the formal channel and land administration system and evidence that informal land delivery systems are often more effective in delivering land for housing purposes because of their user friendly characteristics and social legitimacy.

Also surveying the means of land acquisition by private developers in Abuja and Lagos, Olofa and Nwosu (2015) discovered three means of acquisition, namely: through purchase, lease and from government. They asserted that the major means of acquiring land by private developers in Abuja is through government while the major means by developers in Lagos is through purchase. What this implies is that many developers run away from acquiring land for development through lease with the fear of losing their investment on the land to the owner of the land at the termination of the lease.

Furthermore, Viitanen et al (2010), states that land acquisition can be practiced in many ways but the two main ways can be classified as direct and indirect. They divide the direct means of land acquisition into three main groups: Voluntary agreements, compulsory land acquisition and land readjustment procedures while the indirect means is divided into: Land banking, pre-emption rights and financial incentives. They further stress that problems in land acquisition in developing countries identified by the study can be categorized into market acquisition systems and human right based acquisition models. In similar study, Durand-Lasserve and Selod (2015) examined land delivery system in West African cities. They identified three land delivery channels. The customary channel, through which the first sales and transfers involve customary land; the public channel through which allocations, sales of land, and tenure regularization operations are initially made by public and para-public authorities; and the formal private channel through which land and serviced plots with ownership title are initially sold with notarial deeds or equivalent documentation by property development companies, purchasing cooperatives or individuals. Six main stakeholders in land delivery system are identified. Land suppliers and sellers, land purchasers, institutions governing land allocations and transactions, intermediates between sellers, buyers and authorities, professionals and credit and finance institutions.

It is worthy of note that land acquisition is always the real estate developer's first commitment to a project. The land acquisition problems and challenges encountered by corporate real estate developers in their various quests to invest in any choice of real estate development cannot be over-emphasized. Adetokunboh et al (2013), identify 24 (twenty four) distinctive land acquisition problems encountered by corporate real estate developers in Lagos State. Top among the problems include high cost of acquisition; slow pace in government allocation process; multiplicity of charges/associated costs; multilayered negotiation/rigid acquisition terms; harassment by indigenous miscreants; lack of basic infrastructure to selected site; cost increase and unanticipated variations; disturbance from victims of compulsory acquisition; high interest rates and high cost of perfecting titles. The least problem identified is the activities of speculators.

Besides, Haruna et al (2013) analyzed the spatial extent to which government acquires public land and the extent of informal land acquisition in Adamawa State for residential development. The study revealed that 468 hectares of formal land was acquired between year 2000 to 2010 while 1,161 hectares of informal land was acquired between year 2000 and 2010 for residential development. A total of 178 hectares of formal land which represent 38% was developed while 1,015.2 hectares of informal land which represent 87% was developed. The reasons behind the low level of development of formal acquired land are reservation of land for future development, compensation, weaknesses and lack of political will on the side of the Land Use and Allocation Committee of the state, failure by governors to give urgent attention needed to their responsibility of granting consent for land management and the arbitrary use of power by state governors requiring their consent for assignment or mortgaging as a means of acquiring land cheaply in order to reward party loyalist.

## RESEARCH METHODOLOGY

The data for this study was derived from two sources. Primary and secondary sources. Field work through the administration of questionnaire was used to obtain primary data for this study. The questionnaire was administered on the stakeholders of Land and residential property providers in the study area. The study adopted a total enumeration survey of eighty seven (87) registered Real Estate Developers firms from Real Estate Developers Association of Nigeria (REDAN directory, 2015).

Secondary data was obtained from gazettes and publications of the Land Bureau of Lagos State. There are eight (8) directorates at the Land bureau of Lagos State. Purposive sampling technique was used to select Four (4) directorates that provided desired information on Land acquisition procedure. Information obtained includes detailed process, procedures and the cost of obtaining land from Government in Lagos State. Descriptive and Inferential analytical tools were employed to analyze the data collected for this study. In order to fully identify the significant factors in terms of grouped factors responsible for land acquisition challenges, a more sophisticated statistical tool that is factor analysis (data reduction) was also used to further analyze the data.

## RESULTS AND DISCUSSION OF FINDINGS

### DATA ADMINISTRATION AND RETRIEVAL

A total enumeration questionnaire survey was administered on 87 Registered Private Real Estate Developers firms in Lagos State. Total amount of questionnaire retrieved was 78 which represent a response rate of 89.7%. Meanwhile, a total of 177 questionnaires were administered on Registered and Practicing Estate Surveyors and Valuation firms in Lagos State. 139 questionnaires was retrieved which represents response rate of 78.5%. Personal visits to the firms in Lagos State assisted the researcher in achieving the administration of questionnaire. This response rate could be as a result of the busy nature of the respondents.

### LAND ACQUISITION PROCEDURE IN LAGOS STATE

This section explains the different types of land acquisition from government available for developers to acquire. There are 8 directorates at the Land Bureau of Lagos state of which 4 were sampled by the researcher due to their relevance in land acquisition. Table 1 shows the procedure (type of land acquisition, period of acquisition, stages of procedure and documents required) for land acquisition at the land Bureau, Ministry of Lands, Lagos State.

**TABLE 1 SUMMARY OF PROCEDURE FOR LAND ACQUISITION IN LAND BUREAU OF LAGOS STATE**

Directorates	Systems of Land acquisition	Period	Stages of procedure	Number of documents required
Regularization	State land Regularization	42 days	14	11 (or 20 where building plan approval is required).
	Regularization of federal government properties and grant units	21 days	18	9
Land Use and Allocation Committee	State lands	30 days	14	8
	Non-state lands	21 days	8	13
	Land excision	81 days	14	7
Land services	Private estate developers scheme	Not specified	6	12
Land Registry	Registration of title	2 days	13	6
	Registration of Deeds	2 days	7	6
	Registration of Certificate of Occupancy	Not specified	6	6

Source: Land Bureau, Lagos State, 2016.

The four directorates sampled included Land regularization, Land Use and Allocation Committee, Land services and Land Registry. From the table, in respect to the period of acquisition, Land excision had the highest period of 81 days, State land regularization had 42 days, and State land had 30 days while regularization of federal government properties and grants units, and Non-state lands had 21 days each. The period for acquiring private estate developers' scheme and registration of Certificate of Occupancy are not specified. Registration of Titles and registration of Deeds had 2 days each.

With respect to stage of procedure, regularization of federal government properties and grants and units had 18 stages, state land regularization, excision and state land had 14 stages each, registration of title had 13 stages, and state land acquisition had 8 stages while Registration of deeds had 7 days. The acquisition with the least stage is private estate developers' scheme and registration of Certificate of Occupancy with 6 stages each. Regularization of federal government properties and grants units had the highest stage due to the nature and process of applying for federal government land through the state government.

On the documents required for the acquisition of land in the state, acquisition of state land regularization requires 20 documents, which is the highest; acquisition of non-state land requires 13 documents while private estate developers' scheme requires 12 documents. Registration of title, deeds and certificate of occupancy requires 6 documents each, which is the least documents required among the various types of acquisition.

From the analysis, the procedure for land acquisition in the state is less cumbersome, simple and less time. This will impliedly enable intending land owners to patronize the formal land system of acquisition thereby discourage intending owners from patronizing land speculators which in the long run will increase the developers' efforts in the provision of residential properties. This will also reduce the pressure on government to provide housing for its citizens.

#### LAND ACQUISITION CHALLENGES ENCOUNTERED BY PRIVATE REAL ESTATE DEVELOPERS

This section of the paper examined the means by which the developers acquire land from government and average period spent in acquiring land for residential property was analyzed. Relative Importance Index was used to rank the land acquisition challenges in order to identify and rank the most significant challenges encountered in land acquisition by private real estate developers. Two sets of respondents were asked to rank the challenges; the Private Real Estate Developers and Estate Surveyors and Valuers.

**TABLE 2: WAYS OF LAND ACQUISITION FROM GOVERNMENT**

Means of acquisition	Frequency	Percentage
Purchase	35	136
Lease	29	80
Rent	14	58
Total	78	274

Source: Field Survey, 2016

Table 2 shows the various ways by which developers can acquire land from Lagos state government. From the analysis in the table, it can be deduced that 35 (44.9%) prefer to purchase the land from government, 29 (37.2%) prefer to lease while 14 (17.9%) prefer to rent. The result implies that majority of the developers prefer to purchase the land from government as a way to have a long possession of the land due to the nature of development to place on the land.

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Table 3 Land acquisition challenges identified by Private Real Estate Developers

S/No.	Land Acquisition Challenges	1	2	3	4	5	ΣWF	Mean	Ranking
1	Cost of acquisition (cost of perfecting title, cost of obtaining Governor's consent).	0	1	13	25	39	336	4.31	1st
2	Disturbance and harassment by touts known as 'Omo Onile'.	1	3	9	32	33	327	4.19	2nd
3	Delay in the process of land titling.	0	3	10	34	31	327	4.19	2nd
4	Cumbersome government allocation.	1	1	15	34	27	319	4.09	4th
5	Burdensome financial terms	3	2	11	39	23	311	3.99	5th
6	Legal issues.	1	3	17	35	22	308	3.95	6th
7	Time to complete Acquisition	4	5	7	40	22	305	3.91	7th
8	Land speculation	1	6	15	36	20	302	3.87	8th
9	Multiple payments for land	4	6	14	29	25	299	3.83	9th
10	Weakness of the Land Use and Allocation Committee of the state.	0	9	17	33	19	296	3.79	10th
11	Inefficient land administration strategies	3	8	15	30	22	294	3.77	11th
12	Complex and rigid acquisition terms	0	7	22	33	16	292	3.74	12th
13	Inefficient and ineffective land registration system	3	9	15	31	20	290	3.72	13th
14	Land taxation	4	6	22	24	22	288	3.69	14th
15	Demand and supply interface	1	7	24	30	16	287	3.68	15th
16	Lack of adequate land bank	4	8	17	29	20	287	3.68	15th
17	Competition from other investors applying for land allocation.	0	12	17	34	15	286	3.67	17th
18	Unfriendly and inconsistent land policies	2	9	16	38	13	285	3.65	18th
19	Lack of support from local community	3	11	13	34	17	285	3.65	18th
20	Lack of modern technology and information storage/retrieval systems	7	9	12	29	21	282	3.62	20th
21	Disturbance from victims of compulsory acquisition.	3	8	22	31	14	281	3.60	21st
22	Arbitrary use of power by state Governors requiring consent for assignment/mortgage	5	9	16	31	17	280	3.59	22nd
23	Indiscipline by Stakeholders in land (Seller and Buyer).	3	11	17	32	15	279	3.58	23rd
24	Legal dualism in Land tenure system	1	8	29	26	14	278	3.56	24th
25	Non-availability of Layout	7	11	12	27	21	278	3.56	24th
26	Political influence	3	11	18	32	14	277	3.55	26th
27	Insufficient working materials	4	14	24	24	12	260	3.33	27th
28	Reservation of land for future development by Government.	7	21	16	20	14	247	3.17	28th

Source: Field survey, 2016.

As shown in table 3, the land acquisition challenges encountered by private real estate developers as identified by the respondents include time to complete acquisition, cost of acquisition, cumbersome government allocation, delay in the process of land titling, demand and supply interface, legal dualism in land tenure system, land taxation, land speculation, inefficient and ineffective land registration system, disturbance from victims of compulsory acquisition, legal issues, complex and rigid acquisition terms, harassment by touts, arbitrary use of power by state governors, reservation of land for future development by government, unfriendly and inconsistent land policies, inefficient land administration strategies, multiple payments for land, non-availability of layout, political influence lack of support from local community and burdensome financial terms.

The table revealed that the most land acquisition challenges encountered by private real estate developers included cost of acquisition (cost of perfecting title, cost of obtaining Governor's consent), Delay in the processing of land titles and disturbance and harassment by indigene miscreants with the highest weighted mean score of 4.31, 4.19 and 4.19 respectively. The findings are in tandem with the results of earlier studies conducted by Adetokunboh et al (2013) where it was observed that high cost of acquisition is the land acquisition problem that occurs most repeatedly in the property development process. Cumbersome government allocation, burdensome financial terms, legal issues, time to complete acquisition, land speculation, multiple payments for land and weakness of the Land Use and Allocation Committee (LUAC) are other challenges identified in the table (in order of importance) by the respondents. Among the least land acquisition challenges ranked (in order of importance) include reservation of land for future development by government, insufficient working materials and political influence in the 28<sup>th</sup>, 27<sup>th</sup> and 26<sup>th</sup> ranked position.

#### SUITABILITY OF DATA FOR FACTOR ANALYSIS

The suitability of data for factor analysis was examined by the Kaiser-Meyer-Olkin (KMO) and Bartlett's test values. The data as shown in Table 4 was found acceptable for factor analysis since the KMO was greater than 0.5 and the significance level of the Bartlett's test was less than 0.1. Specifically, the KMO for this analysis was 0.561 and the Bartlett's test significance level was 0.000 which indicated that the data were suitable and adequate for factor analysis.

TABLE 4 KMO AND BARTLETT'S TEST

Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		.561
Bartlett's Test of Sphericity	Approx. Chi-Square	697.350
	df	378
	Sig.	.000

Source: Field Survey, 2016

In table 5, the lists of the Eigen values associated with linear component (factor) before extraction, after extraction and after rotation were presented. Before extraction, there were twenty eight variables. The Eigen values associated with each factor represented the variance explained by that particular linear component and also represented the percentage of variance explained. All the factors with Eigen values that were above 1 were extracted and represented under the column extraction sums of squared loadings. The variance explained using the component extraction for the eight groups identified to be relevant for grouping of the factors as presented in table 5

**TABLE 5: VARIANCE EXPLAINED USING COMPONENT EXTRACTION**

Component	Factors	Extraction Sums of Squared Loadings		
		Total	% of Variance	Cumulative %
1	Land management	4.646	16.594	16.594
2	External	2.988	10.672	27.265
3	Time and procedure	1.779	6.355	33.620
4	Institutional	1.685	6.017	39.637
5	Legal	1.570	5.607	45.244
6	Financial	1.497	5.347	50.591
7	Economic	1.449	5.174	55.765
8	Political	1.284	4.586	60.352

Extraction Method: Principal Component Analysis.

Table 5 illustrates the factors responsible for the land acquisition challenges which include land management factor with the highest variance of 16.594%, external factor with a variance of 10.672%, time and procedure factor with a variance of 6.355% and institutional factor with a variance of 6.017%. Other factors stated in the table include legal, financial, economic and political factors with variances of 5.607%, 5.347%, 5.174% and 4.586% respectively. The analysis of the result shows land management factor as the most important factor responsible for land acquisition challenges. Variables comprising the land management factor include inefficient and ineffective land registration system, unfriendly and inconsistent land policies, inefficient land administration strategies, lack of adequate land bank, lack of modern technology and information storage/retrieval systems and non-availability of layout.

This implies that the land administration system as practiced in the study area is a major hindrance to the process of land acquisition. The external factor variables include land speculation, disturbance from victims of compulsory acquisition, disturbance and harassment by indigene miscreants and lack of support from local community. Finance is usually a key factor in housing delivery and consists of cost of acquisition (cost of obtaining title, cost of obtaining Governor's consent), multiple payments of land and burdensome financial terms. These variables have negative influences on the prices willing buyers will pay to acquire land and the resultant lumbagos/bottlenecks for land acquisition by private developers for residential property provision.

## CONCLUSION

The study concluded that there are several channels by which developers can acquire land from government in Lagos; these include Land regularization (State and Federal land), Land Use and Allocation Committee (State land, Non-state land and Land excision), Land services (Private estate developers' scheme) and Land registry (Registration of Title, Deeds and Certificate of Occupancy). These land acquisition channels possesses some noteworthy challenges which affects residential property provision by private real estate developers in Lagos state. The most identified challenges include: Cost of acquisition (cost of perfecting title, cost of obtaining Governor's consent), delay in the process of land titling, disturbance and harassment by indigene miscreants and cumbersome government allocation procedure.

As a way of reducing or eradicating the challenges encountered by private real estate developers and increasing the provision of residential property in Lagos state, this study recommends that there should be a speedy process in land titling, government should establish in each local government areas of the state a special task force to curtail the activities of indigene miscreants thereby eradicating multiple payments for land. Also, the Governor of the state should empower the Land Use and Allocation Committee by giving it the duty to allocate land, attend to issues that requires Governor's consent on land and all other matters relating to land in the state and the government should act as the enabler by making land readily available for real estate developers, as land is a fundamental resource in residential property provision and key variable in mitigating the huge housing deficit in the country.

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