



BANWO & IGHODALO

# LAGOS STATE GOVERNMENT ISSUES PUBLIC NOTICE ON THE RIGHT OF WAY (RoW) FOR INFRASTRUCTURAL DEVELOPMENT

APRIL 23, 2025

On April 7, 2025, the Lagos State Government (“**LASG**”), through its Ministry of Physical Planning and Urban Development (the “**Ministry**”), issued a public notice (the “**Public Notice**”) in *The Nation* newspaper concerning the designated Right of Way (RoW) for the Eti-Osa-Lekki-Epe Expressway (the “**Expressway**”), in furtherance of its **Themes + Agenda**.

The Public Notice was issued pursuant to the powers conferred on the LASG under the Lagos State Urban and Regional Planning and Development Law (the “**Urban Planning Law**”) (and the Land Use Act 1978). Section 1 of the Lagos State Physical Planning Permit Regulations, 2019, made pursuant to the Urban Planning Law defines “**Right of way**” as a “**reservation for all easements for transportation purposes (canal, public foot path, electrical transmission line, railway, highway, and oil and gas pipeline)**”. The reservation of the RoW is critical for sustainable road development and public infrastructure projects.

The 69.1km Expressway, from Admiralty Toll Plaza to Epe Junction, has been identified as a strategic infrastructure project intended to enhance connectivity, reduce traffic congestion, and support economic growth in the Lekki-Epe axis.

## Key Highlights of the Public Notice

1. **Designation of the RoW:** the Public Notice notifies the public that Expressway has a defined RoW of 94 meters,

reserved for critical infrastructure development, including three-lane dual-carriageways, pedestrian bridges, green-line rail tracks, drainages, gas pipelines, among other.

2. **Possible Expansion of the RoW:** the RoW is subject to further expansion at certain intersections to accommodate proposed rail stations and other developments. Consequently, there will be physical onsite descriptions to be conducted by the Office of Physical Planning at the Ministry, and other relevant Ministries, Departments, and Agencies (MDAs).
3. **Addressing Encroachments:** The LASG calls on the public who have encroached on some areas along the Expressway alignment to take corrective measures once the alignment is fully defined, and the encroachment identified.
4. **Call for Public Cooperation:** The LASG calls on the public to support the preservation of the designated RoW, underscoring the importance of preserving these spaces for the planned infrastructure.
5. **Implementation Process:** The physical on-site description of the RoW will be conducted soon by the Office of Physical Planning, in collaboration with other relevant MDAs. This process will involve a detailed survey of the alignment to confirm the boundaries of the RoW and identify any encroachments and ensure enforcement of the reserved area.





**DISCLAIMER:** This article is only intended to provide general information on the subject matter and does not by itself create a client/attorney relationship between readers and our Law Firm or serve as legal advice. We are available to provide specialist legal advice on the readers' specific circumstances when they arise.

## Contact Persons

### Implications of the Public Notice for Stakeholders

The designation of the RoW has significant implications for property owners, developers, businesses, and residents along the Expressway corridor. Parties who have encroached on the RoW may have to relocate their structures where possible, or regularise their developments. Otherwise, enforcement actions such as demolition or fines, may be taken against them as provided under the Urban Planning Law.

In cases where the RoW is expanded, the LASG may exercise its statutory powers under Section 28(1) and (2)(b) of the Land Use Act to revoke existing rights of occupancy for overriding public interest. Affected property owners along the corridor may be entitled to compensation, as provided under Section 29 of the Land Use Act. Such claims must be submitted within 90 days of a formal revocation notice in accordance with Section 44 of the Land Use Act.

### Immediate Actions for Affected Members of the Public

Members of the public along the corridor of the Expressway must immediately take the following actions

- Verify whether your property falls within the 94-meter RoW (or expanded sections) by consulting the Office of Physical Planning at the Ministry once the physical onsite description is completed.
- Compile documentation such as proof of ownership, and development permits in preparation for potential compensation claims.
- Suspend any ongoing construction or development activities within the RoW to avoid sanctions including demolition or loss of investments.
- Prospective investors, such as buyers or tenants, should undertake necessary due diligence before completing any transaction in respect of properties around the 94-meter RoW (or expanded sections).



**Olumide Osundolire**

Partner

E: Oosundolire@banwo-ighodalo.com



**Olamide Oshikoya**

Partner

E: loshikoya@banwo-ighodalo.com



**Charles Akindileni**

Associate

E: CAkindileni@banwo-ighodalo.com



**James Olutoki**

Associate

E: Jolutoki@banwo-ighodalo.com