

Berry with Kangaroo Valley Land Sale Ordinance 1991

No 63, 1991

An Ordinance to authorise the sale of certain land situate at Main Road, Kangaroo Valley and to provide for the application of the proceeds thereof.

Whereas the Anglican Church Property Trust Diocese of Sydney (formerly Church of England Property Trust Diocese of Sydney) (hereinafter called "the Corporate Trustee") is registered as Proprietor in fee simple of the land described in the Schedule hereto (hereinafter called "the land") And Whereas the land is church trust property held for the sole benefit of the Anglican Church of Australia Diocese of Sydney but no trusts have been declared in writing concerning the same And Whereas by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is expedient that the land be now sold and the proceeds applied as hereinafter set out Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows.

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is expedient that the land be sold.
2. The Corporate Trustee is hereby authorised to sell the land within three (3) years after the date of the assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement in one or more lots and for such price or prices and on and subject to such terms and conditions as to the Corporate Trustee may seem appropriate freed from the trust upon which it is now held.
3. The proceeds arising from the sale of the land after paying thereout the costs of and incidental to this Ordinance, and of the subdivision and the sale and transfer thereof and all outgoings to which the land is subject shall be applied by the Corporate Trustee at the request in writing of the Churchwardens of the Church of the Good Shepherd, Kangaroo Valley in the following manner –
 - (a) first, in the repayment of any loan made by the Finance and Loans Board to the Churchwardens of the said Church;
 - (b) secondly, in the cost of erecting and furnishing a home on land in the Kangaroo Valley held on trust by the Corporate Trustee for the Parish of Berry with Kangaroo Valley for use by a minister, assistant minister or employee of the Churchwardens of a church in the Parish; and
 - (c) thirdly, for the payment of the general expenses of the said Church;and pending such application the amount held shall be invested and the income arising therefrom shall be capitalised.
4. This Ordinance may be cited as "Berry with Kangaroo Valley Land Sale Ordinance 1991".

Schedule

All That piece or parcel of land being Lot 2 in Deposited Plan 598789 Parish of Bugong County of Camden and being the land contained in Certificate of Title Volume 13734 Folio 83 with the exception of Lot 9 as shown on the sketch plan of proposed subdivision prepared by Watkins & Associates Reference S/90/902.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

E.D. Cameron
Deputy Chairman of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 16th day of December 1991.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

Donald Robinson
Archbishop of Sydney
16/12/1991