

CANLEY HEIGHTS (ELIZABETH DRIVE) SALE ORDINANCE 1987

No. 35 of 1987

AN ORDINANCE to authorise the sale of certain land at Elizabeth Drive Cecil Park and to provide for the application of the proceeds of sale.

WHEREAS:

A. Anglican Church Property Trust Diocese of Sydney (formerly known as Church of England Property Trust Diocese of Sydney) (hereinafter called "the corporate trustee") is registered as proprietor of all the land contained in Certificate of Title Volume 1470 Folio 129. 5

B. By Declaration of Trust executed on 17th April 1903 the land is held "upon trust to permit a church and school to be erected on the land to be called Cecil Park Church and School and to be subject to the regulations (so far as they may be applicable) contained in the Sydney Church Ordinance or in any other Ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying the first mentioned Ordinance". A copy of the Declaration of Trust has been lodged in the Land Titles Office, Sydney and numbered 5325. Caveat A795414 noted on the title of the said land forbids dealing with the land in a manner not in accordance with the terms of the said Declaration of Trust. 10 15 20

C. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land is held it has become impossible or inexpedient to carry out and observe those trusts and it is expedient that the land be sold and the proceeds applied as provided herein. 25

NOW THE STANDING COMMITTEE of the Synod of the Diocese of Sydney in the name and place of the Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows: 30

1. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land is held it has become impossible or inexpedient to carry out and observe those trusts and it is expedient that the lands be sold. 35

2. The corporate trustee is hereby authorised and empowered to sell the land within three years of the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time as it may determine freed from the trusts on which the land is held. 40

3. The proceeds arising from the sale of the land shall be applied first to pay all outgoing to which the land may be subject and the costs of and incidental to this Ordinance and the sale pursuant thereto and secondly the balance to be paid to the Churchwardens of the Provisional Parish of Canley Heights for the general purposes of the Provisional Parish. 45

4. This Ordinance may be cited as the "Canley Heights (Elizabeth Drive) Sale Ordinance 1987". 50

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

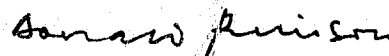

Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee
of the Synod of the Diocese of Sydney on this 26th
day of October 1987.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

26 /10/1987