

CATARACT WITH AMBARVALE (APPIN) LAND SALE ORDINANCE 1990

No 45, 1990

AN ORDINANCE to permit the sale of certain land at Appin and to provide for the application of the proceeds thereof.

WHEREAS

A. ANGLICAN CHURCH PROPERTY TRUST DIOCESE OF SYDNEY (hereinafter called "the Corporate Trustee") is the registered proprietor of the whole of the land comprised in Crown Grant made the 10th day of November 1842 and registered in Register of Grants of the United Church of England and Ireland No. 79 Page 15 more particularly described in the First Schedule hereto.

B. The land described in the First Schedule hereto is held upon trusts expressed in the Crown Grant namely "Upon Trust for the erection thereon of a school house in connection with the United Church of England and Ireland as by law established and for no other purpose whatsoever".

C. The land described in the Second Schedule hereto is held upon the trusts expressed in Crown Grant made the 10th day of November 1842 and registered in the Register of Grants of the United Church of England and Ireland No. 65 Page 25 namely "Upon Trust for the erection thereon of a church of the United Church of England and Ireland as by law established".

D. The Bishop of Sydney for the time being is trustee of that land.

E. It is appropriate that the Bishop of Sydney cease to be trustee of that land and that the land be vested in the Corporate Trustee.

F. The Corporate Trustee is the registered proprietor of the whole of the land comprised in Land Grant Volume 1841 Folio 222 more particularly described in the Third Schedule hereto.

G. The land in the Third Schedule is Church Trust Property within the meaning of Anglican Church of Australia Trust Property Act, 1917 (as amended) held for the purposes of the Anglican Church in the Diocese of Sydney and the Provisional Parish of Cataract with Ambarvale (hereinafter called the "Provisional Parish") but no evidence of trusts having been declared in writing has been found.

H. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient to sell the land described in the First, Second and Third Schedules.

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. Consent is hereby given to the land described in the Second Schedule vesting in the Corporate Trustee.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedules is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.

3. The Corporate Trustee is hereby authorised to sell the land described in the Schedules within three (3) years after the date of 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 subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

4. The proceeds arising from the sale of the land described in the Schedules after paying thereat the costs of and incidental to this Ordinance and the costs of and incidental to the sale shall be applied by the Corporate Trustee towards the costs of the acquisition of other land in the Appin district to be held upon trust for the Provisional Parish of Cataract with Ambarvale PROVIDED that pending the application pursuant to this clause the funds shall be invested by the Corporate Trustee and the income capitalised, PROVIDED further that at the request of the Churchwardens of the principal church of the Provisional Parish

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Corporate Trustee may reimburse the Churchwardens for any assessment levied in respect of the investment of funds made pursuant to this clause.

5. This Ordinance may be cited as the "Cataract with Ambarvale (Appin) Land Sale Ordinance 1990".

FIRST SCHEDULE

ALL THAT piece or parcel of land at Appin in the Shire of Wollondilly Parish of Appin and County of Cumberland being part of the land contained in Land Grant registered in the Grants of the United Church of England and Ireland No. 79 Page 15.

SECOND SCHEDULE

ALL THAT piece or parcel of land similarly situated being the whole of the land in Land Grant registered in the Grants of the United Church of England and Ireland No. 65 Page 25.

THIRD SCHEDULE

ALL THAT piece or parcel of land similarly situated being the whole of the land in Land Grant Volume 1841 Folio 222.

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

E.D. CAMERON
Chairman of Committee

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of October 1990.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
29 / 10 / 1990