

*Leura Land Sale.*

5/1908

AN ORDINANCE to authorise the sale of certain land and premises situated fronting Leura Mall Leura upon part of which land S. Alban's Church Leura is erected and to provide for the application of the proceeds thereof.

WHEREAS by Memorandum of Transfer dated the third day of November one thousand eight hundred and ninety-eight the land described in the schedule hereto being the land comprised in Certificate of Title registered Volume 1221 Folio 159 was transferred to the Most Reverend the Lord Archbishop of Sydney and his successors Bishops of Sydney. AND WHEREAS the said land was so transferred to be held UPON TRUST for the erection thereon of a Church for the use of the Members of the Church of England at Leura in the Parish of Katoomba and for the support and maintenance of the said Church and for no other purpose whatsoever. AND WHEREAS the Church being known as S. Alban's Leura has been erected and maintained upon the said land in conformity with the said Trust. AND WHEREAS the said Church has been duly licensed for Divine Worship but has not been consecrated. AND WHEREAS by Declaration of Trust dated the seventh day of May one thousand nine hundred and eight it was declared by the Most Reverend the Archbishop of Sydney that the said land and premises were held by him upon the trusts aforesaid. AND WHEREAS the said land and Church building thereon have become unsuitable for further use for the purpose to which by the said Trust the same are devoted. AND WHEREAS it is expedient that the said land and Church building and hereditaments should be sold and that the proceeds thereof should be applied in manner hereinafter provided The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the Management and good Government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the Church of England Property Act of 1889 ordains declares directs and rules as follows :—

1. By reason of circumstances which have occurred since the creation of the said recited Trust it has become inexpedient to carry out or observe the particular purpose to which the land described in the schedule hereto with the Church Building thereon is by the said Trust devoted.
2. The said Church Building erected upon the said land may with the sanction of the Trustees be taken down and removed and the materials of which such building are constructed may be sold or disposed of either

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by Public Auction or by Private Contract for such price or prices and upon such terms and conditions as the Trustee may think fit or the same or any part thereof may be re-erected on other land at Leura as a Church Building or part thereof for the use of members of the Church of England.

3. The said land either with or without the building thereon may at any time hereafter be absolutely sold and disposed of freed from any trust existing in respect of the same either in one lot or in parcels and either by Public Auction or by Private Contract at such price or prices and subject to such stipulations or conditions as the Trustee may deem proper with power to the Trustee to buy in at any sale by Auction and to rescind or vary any Contract for sale and to enter into any new Contract for sale of the said land and for any of the purposes aforesaid to sign and execute and do all such Contracts Transfers Assurances and things as the Trustee shall think fit.

4. The proceeds of any such sale or sales shall be paid to the Trustee and such proceeds (after payment thereof of the expenses of and incidental to this Ordinance and the sale or sales and transfer of the said land in pursuance thereof) shall be applied in or towards the expenses incurred or to be incurred in the purchase of certain land situated fronting Megalong Street Leura or some other suitable site in the said Parish of Katoomba and in or towards the erection thereon of a Church building for the use of the members of the Church of England at Leura aforesaid.

5. Upon any sale or sales made in pursuance of this Ordinance the receipt of the Trustee for the purchase money shall effectually discharge the Purchaser or Purchasers from being concerned to see to the application thereof or being answerable for the loss or misapplication thereof.

6. Any part of the said proceeds not immediately required to be applied as aforesaid may be invested in the name of the Trustee in any Public Funds or Government Securities or on Mortgage or of Freehold properties in any part of New South Wales and pending such investment may be deposited at interest with the Savings' Bank of New South Wales or with any Government Savings' Bank or with any Joint Stock Company or Corporation carrying on the business of Bankers in Sydney.

7. For the purposes of this Ordinance the word "Trustee" whenever the same occurs shall be taken to mean the Archbishop of Sydney or his Commissary or the Guardian of the Spiritualities during a vacancy of the See or other the Trustee or Trustees for the time being of the land described in the Schedule hereto.

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8. This Ordinance shall be styled and cited as "The St. Alban's Leura Land Sale Ordinance of 1908."

THE SCHEDULE HEREINBEFORE REFERRED TO,

THAT piece of land situated at Katoomba in the Parish of Megalong County of Cook containing twenty eight and one quarter perches or thereabouts commencing on the North-Western side of Leura Mall at the South-Eastern Corner of Lot Six and bounded thence on the North by that Lot and part of Lot Three bearing Westerly in all One hundred and eighty-nine feet eleven inches thence by lines bearing Southerly Forty-three feet and Easterly One hundred and sixty-nine feet six inches to Leura Mall aforesaid and on the South-East by that Mall bearing North-Easterly Forty-seven feet seven and one half inches to the point of commencement being part of Lot Two of Section Ten on a plan deposited in the Land Titles Office Sydney numbered 1175 and being the whole of the land comprised in Certificate of Title dated 14th June 1897 registered Volume 1221 Folio 152.

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