

Mona Vale (Easement) Ordinance 2002

No 29, 2002

Long Title

An Ordinance to authorise the grant of an easement and to provide for the application of any moneys paid.

Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is registered as proprietor of the land being Lot 2 in Deposited Plan 709457 and known as 1624 Pittwater Road Mona Vale (the "Land").

B. The Land is church trust property and by clause 5 of the Mona Vale Sale Ordinance 1983 is held on the trusts specified in the Schedule to this Ordinance.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is expedient that an easement be granted over part of the Land.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

1. Name

This Ordinance is the Mona Vale (Easement) Ordinance 2002.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out or observe those trusts and it is expedient that an easement be granted over part of the Land and that the proceeds from the grant be applied in the manner set out in this Ordinance.

3. Authority

(1) The Property Trust is authorised at any time within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution to grant an easement to drain water over the part of the Land shown on the draft plan of easement prepared by Mr Ian R Pidcock and dated 20 October 1999 subject to such variations as are reasonably necessary to effect the grant of the easement.

(2) The Property Trust is authorised to execute all documents in connection with the grant of the easement.

4. Application

The proceeds arising from the grant of the easement shall be paid to the Property Trust and, after payment of all costs and expenses arising from and incidental to the promotion of this Ordinance and the grant of the easement, are to be applied as follows -

- (a) first, in payment of any goods and services tax (as defined in A New Tax System (Goods and Services Tax) Act 1999) payable in connection with the grant of the easement; and
- (b) the balance, paid to the churchwardens of St John's Mona Vale for such capital purposes of the Parish of Mona Vale as determined by resolution of the parish council of that parish.

Schedule

Upon trust for a:

- (a) church;
- (b) residence for a minister, assistant to the minister or person employed by the churchwardens;
- (c) hall or halls; and
- (d) school or other place of assembly;

or partly for one or another or others of those purposes in connection with the Anglican Church of Australia within the Diocese of Sydney for the sole benefit of the parish or other ecclesiastical district of Mona Vale or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

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

NM CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 24 June 2002.

MA PAYNE
Secretary

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I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
25/6/2002