

MONA VALE SALE ORDINANCE 1983

No. 22 1983

AN ORDINANCE to authorise the variation of certain trusts and the sale of certain land and to make provision for the application of the proceeds thereof.

WHEREAS

A. By an Indenture made the 17th day of April 1906 between Louis Francis Heydon and Leon Honreux of the one part and Church of England Property Trust Diocese of Sydney now being Anglican Church Property Trust Diocese of Sydney (herein-
5 after called "the Property Trust") of the other part Registered No. 481 Book 801, the land described in the First Schedule hereto was conveyed to the Property Trust upon trust to permit the erection thereon of a church to be
10 called the Church of St. John the Baptist at Pittwater or the erection thereon of other church buildings and to be subject to the regulations (so far as they may be applicable) contained in "The Sydney Church Ordinance" or in
15 any other ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying that ordinance.

B. By an Indenture made the 19th day of June 1908 between Louis Francis Heydon of the one part William Harrington Palmer of the second part and the Property Trust of the
20 third part Registered No. 31 Book 862 the land described in the Second Schedule hereto was conveyed to the Property Trust upon trust to permit the erection thereon of buildings for church purposes 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
25 the Synod of the said Diocese altering or modifying the same.

C. By reason of circumstances which have arisen subsequent

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to the creation of the trusts on which the said land is held
it is inexpedient to carry out and observe the same and it
30. is expedient that the trusts be varied as hereinafter
provided.

NOW the Standing Committee of the Synod of the Diocese of
Sydney in the name and place of the said Synod HEREBY
DECLARES AND ORDAINS as follows:-


35 1. By reason of circumstances subsequent to the creation of
the trusts on which the land described in the Second
Schedule hereto is held it is inexpedient to carry out and
observe the same for so much of the land as is described in
the Third Schedule and it is expedient that the land
40 described in the Third Schedule be sold.

2. The Property Trust is hereby authorised within three (3)
years after the date of assent to this Ordinance and
thereafter only with the consent of the Standing Committee
to sell the land described in the Third Schedule by public
45 auction or by private treaty for such price and on and
subject to such terms and conditions as may seem appropriate
to the Property Trust.

3. The proceeds from the sale of the said land shall be
applied as follows:-

50 (a) First to the costs of and incidental to this
Ordinance and the sale of the said land pursuant
hereto.

(b) Secondly for all or any of -

- 55 - the cost of acquiring other property in the
Parish of Mona Vale as a residence for a
minister, assistant to the minister or person
employed by the churchwardens;
- the payment of costs associated with housing a
minister pending the acquisition of a suitable
60 residence;
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- the cost of acquiring vacant land and the costs of and ancillary to the erection of a dwelling suitable as a residence for a minister.

65 (c) Thirdly for such purposes within the Parish of Mona Vale as may be agreed to by resolution of the Standing Committee passed at the request of a majority of the Parish Council.

70 4. Pending any such determination as to the application of the balance of the proceeds of sale as aforesaid such balance shall be invested by the Property Trust and the income arising from such investment shall for the meantime be capitalised.


75 5. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule and the residue of the land described in the Second Schedule (after the sale of the land described in the Third Schedule) are held the said lands shall henceforth be held upon trust for a:-

- 80 (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;

85 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.

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6. This Ordinance may be cited as the "Mona Vale Sale Ordinance 1983".



THE FIRST SCHEDULE

95 ALL THAT piece or parcel of land containing by admeasurement
One rood twenty three and three quarter perches a little more
or less being a portion of Lot 18 of Section 1 of the Mona
Vale Estate situate at Pittwater in the Parish of Narrabeen
County of Cumberland and State of New South Wales
Commencing at a point on the North Eastern side of Bay View
Road being the Southernmost corner of Lot 17 and bounded
100 thence on the South West by a portion of the Northeastern
boundary of Bay View Road being a line bearing South Easterly
for One hundred and forty three and one half links thence on
the South East by the North Western boundary of Lot 50 and a
portion of the North Western boundary of Lot 19 being a line
105 bearing North Easterly for Three hundred and fifty five and
One eighth links thence on the North East by the other portion
of Lot 18 being a line bearing North Westerly for One hundred
and twenty five links and then on the North West by a portion
of the South Eastern boundary of Lot 17 being a line bearing
110 South Westerly for Two hundred and eighty four and three
eighth links to the point of Commencement being the land
comprised in indenture made 17th April 1906 registered No. 481
Book 801.

THE SECOND SCHEDULE

115 ALL THAT piece or parcel of land containing by admeasurement
One rood sixteen and three quarter perches a little more or
less being a portion of Lot 18 of Section 1 of the Mona Vale
Estate situate at Pittwater Parish of Narrabeen County of
Cumberland and State of New South Wales Commencing at a point
120 on the South Western side of Darley Street being the South
Eastern Corner of Lot 17 and bounded thence on the North
East by part of the Southwestern Boundary of Darley Street
being a line bearing South Easterly for One hundred and twenty
five links thence on the South East by part of the Northwestern
125 boundary of Lot 19 being a line bearing South Westerly for
Two hundred and eighty four and one fifth links thence on the
South West by a line bearing North Westerly for One hundred
and twenty five links and thence on the North West by part
of the South Eastern boundary of Lot 17 being a line bearing
130 North Easterly for Two hundred and eighty four and three
eighth links to the point of Commencement being the land
comprised in indenture made 19th June 1908 registered No.
31 Book 862.

THE THIRD SCHEDULE

135 ALL THAT piece or parcel of land being a portion of the
land described in Deed of Conveyance No. 31 Book 862
containing by admeasurement approximately 1056 square metres
situate at Pittwater Parish of Narrabeen County of Cumberland
and State of New South Wales commencing at a point on the
140 south western side of Darley Street being the north eastern
corner of Lot 17 Section 1 of the Mona Vale Estate and bounded
thence on the north east by part of the south western boundary
of Darley Street being a line bearing south easterly for 25.15
metres thence on the south east by part of the north western
145 boundary of Lot 19 Section 1 of the Mona Vale Estate being a
line bearing south westerly for approximately 42 metres thence
on the south west by a line bearing north westerly for 25.15
metres and thence on the north west by part of the south
eastern boundary of Lot 17 aforesaid being a line bearing
150 north easterly for approximately 42 metres to the point of
commencement be the said dimensions a little more or less.

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

[Signature]
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Diocese of Sydney on this *21st* day *August* *1983* of *1983*.

[Signature]
Secretary

I ASSENT to this Ordinance.

[Signature]
Archbishop of Sydney
22/8/1983