



## **Mosman (St Clement's) Land Sale Ordinance 1997**

No 20, 1997

### **Long Title**

An Ordinance to authorise the sale of certain land at Mosman and to provide for the application of the proceeds of sale.

### **Preamble**

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is registered as proprietor of Lot 27 in Deposited Plan 78052 and being the whole of the land comprised in Certificate of Title Folio Volume 3979 Folio 89 (the "Land") situated at 73 Shadforth Street, Mosman.

B. By clause 1 of the St Clement's Mosman Declaration of Trust and Mortgaging Ordinance 1965 the land is held upon trust to permit the same to be used for a church, parsonage, parish hall or residence for the assistant minister and vergers or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the parish of St Clement Mosman (the "Parish").

C. 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 and observe those trusts and it is expedient that authority be given to sell the land and to apply the proceeds of sale.

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

### **Name of Ordinance**

1. This Ordinance may be cited as Mosman (St Clement's) Land Sale Ordinance 1997.

### **Declaration of Inexpediency**

2. 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 and observe those trusts and it is expedient that the Land be sold. However it is inexpedient that the proceeds of sale be applied solely for the purposes of the Parish or for the same or like purposes as the trusts on which the Land is held.

### **Sale Authority**

3. The Property Trust is hereby empowered to sell the Land by public auction or private contract at such time and at such price upon and subject to such terms, conditions, covenants and reservations as it may think fit provided that no such sale may be effected after the 3rd anniversary of the date on which assent is given to this Ordinance without the consent of the Standing Committee given by resolution.

### **Application of Proceeds of Sale**

4. After payment of all costs of and incidental to the promotion of this Ordinance and to the sale of the Land proceeds of sale shall be applied by the Property Trust as follows -

(a) 15% to the Diocesan Endowment Fund;

(b) \$130,000 to the churchwardens of St Clement's Church Mosman for expenditure on repairs to the roof of the Church and to reimburse Parish funds for money already spent on repairs to the roof of the Church; and

(c) the balance then remaining is to be applied upon written request of the majority of the parish council of the Parish towards the cost of acquiring a residence for an assistant minister or another person employed by the churchwardens St Clement's Church Mosman.

5. Pending their application under clause 4, the proceeds of sale are to be invested and the income capitalised.

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

**N.M. CAMERON**

*Chairman of Committees*

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 25 August 1997.

**W.G.S. GOTLEY**

*Secretary*

I Assent to this Ordinance.

**P.R. WATSON**

*Commissary for the Archbishop of Sydney*

22/9/1997