

NARRAWEENA AND OXFORD FALLS LAND SALE ORDINANCE 1975

No. 26 1975

AN ORDINANCE to vest certain lands at Oxford Falls Road, Oxford Falls, in Church of England Property Trust Diocese of Sydney to authorise the sale of such land together with certain lands and buildings at Greenwood Avenue, Narraweena, to provide for the application of the sale proceeds and to vary the trusts of certain moneys held in the St. Timothy's Narraweena Building Fund.

WHEREAS John Walter Boyer of Oxford Falls, Brookvale, Agriculturalist, Richard Cawley of Manly, Engineer, and Percy Walter Gledhill of Manly, Estate Agent, are the registered proprietors in fee simple of the land described in the First Schedule hereto AND WHEREAS the said land is church trust property held upon trust for the erection and maintenance of a church to be erected for the worship of Almighty God according to the use of the Church of England AND WHEREAS it is expedient that the said land be vested in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") AND WHEREAS a church building known as St. Andrews Oxford Falls has been erected on the said land for many years AND WHEREAS the said church building has not been consecrated and in recent years has only been seldom used and is now considered redundant AND WHEREAS the Corporate Trustee is also the registered proprietor in fee simple of the land described in the Second Schedule hereto AND WHEREAS the lastly said land is also church trust property held upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with St. Timothy's Church of England, Narraweena, in the Provisional District of Forestville-Narraweena cum Belrose and Oxford Falls AND WHEREAS a church building known as St. Timothy's Narraweena has been erected on the lastly said land AND WHEREAS the said church building has become redundant and was recently de-licensed as a Church within the meaning of the Sydney Church Ordinance 1912 as amended AND WHEREAS by reason of the said circumstances which have arisen subsequent to the creation of the trusts upon which the hereinbefore mentioned lands are held it is inexpedient to carry out and observe the same and it is expedient that the said lands be sold and the proceeds applied as hereinafter set forth AND WHEREAS certain moneys are held in a fund known as the St. Timothy's Narraweena Building Fund (hereinafter called "the Fund") being moneys originally designated for the purpose of effecting further building work on the church and hall presently constructed on the land described in the Second Schedule AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Fund is held it is inexpedient to carry out and observe the same and it is expedient that the Fund be applied as hereinafter set forth 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. The land described in the First Schedule hereto shall be and is hereby vested in the Corporate Trustee.
2. By reason of circumstances which have arisen subsequent to the creation of the several trusts upon which the said lands in the First and Second Schedules are held it is inexpedient to carry out and observe the same and it is expedient that such lands be sold and that the trusts be varied as hereinafter set forth.
3. The Corporate Trustee is hereby empowered to sell the said lands in one or more parcels by public auction or by private contract at such time or times at such price or prices and upon and subject to such terms conditions covenants and reservations including the preservation of any right of carriageway for the benefit of adjoining lands and the granting of an easement to drain water over part of the said lands and such other reservations as it shall think fit freed from the trusts upon which they are now held.
4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the moneys in the Fund are held it is inexpedient to carry out and observe the same and it is expedient that the moneys in the Fund be now paid to the Churchwardens for the time being of Holy Trinity Church Bear Creek and applied by them for purposes hereinafter set forth.

5. The proceeds arising from the sale of the said lands after paying thereout the costs of and incidental to this Ordinance and of any subdivision and the sales and transfers in pursuance thereof and all outgoings to which the said lands or any part thereof may be subject (hereinafter called "the net sale proceeds") shall be paid by the Corporate Trustee to the said Churchwardens and the net sale proceeds together with the moneys in the Fund shall be used and applied by them towards the cost of renovations and additions to and incidental site works about the present church and hall buildings of Holy Trinity Church Beacon Hill.

6. This Ordinance may be cited as "Narraweena and Oxford Falls Land Sale Ordinance 1975".

FIRST SCHEDULE

ALL THAT land situate in the Shire of Warringah Parish of Manly Cove and County of Cumberland having a frontage of about 70' to Oxford Falls Road side measurements of about 125' and a rear measurement of about 70' containing 26½ perches and being part of Portion 1085 and being the whole of the land in Certificate of Title Volume 3626 Folio 21.

SECOND SCHEDULE

ALL THAT land being part of Lot Y in Deposited Plan 419002, situated at Narraweena in the Shire of Warringah, Parish of Manly Cove, County of Cumberland and comprising part of the land in Certificate of Title Volume 8092 Folio 132 and commencing at the intersection of the North Western alignment of Alfred Road and the Northern alignment of Greenwood Avenue and bounded thence on the South by part of the Northern alignment of the said Greenwood Avenue bearing 270 degrees 12 minutes 10 seconds 19.34 metres to the intersection of the aforesaid Northern alignment of Greenwood Avenue with the North Eastern alignment of Janice Place and thence on the South West by the said North Eastern alignment of Janice Place bearing 315 degrees 13 minutes 10 seconds 5.18 metres to the intersection of the aforesaid North Eastern alignment of Janice Place with the Eastern alignment of Janice Place and thence on the West by part of the Eastern alignment of the said Janice Place bearing 0 degrees 14 minutes 10 seconds 42.06 metres and 7 degrees 24 minutes 40 seconds 8 metres thence on the North West by a line bearing 76 degrees 41 minutes 14.26 metres thence on the North East by the South Western boundary of Lot 21 in Housing Commission Plan 864 bearing 134 degrees 41 minutes 45.72 metres to the North Western alignment of Alfred Road thence on the South East by part of the said North Western alignment of Alfred Road bearing 224 degrees 41 minutes 34.98 metres to the point of commencement and containing by admeasurement 1841.6 metres squared be the abovementioned measurements be a little more or less.

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

J.R.L. Johnstone
Acting Chariman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 25th day of August, 1975.

W. G. S. Gotley
Secretary

I ASSENT to this Ordinance.

M.L. Loane
Archbishop of Sydney

25/8/1975