

St John's Wilberforce Sale Ordinance 1991

No 61, 1991

An Ordinance to authorise the sale of land and to provide for the application of the proceeds thereof.

Whereas

- A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the land described in the First Schedule hereto (hereinafter called "the land").
- B. The land is church trust property within the meaning of the Anglican Church of Australia Property Trust Act 1917 (as amended).
- C. By Declaration of Trust dated 20th November 1924 filed at the Land Titles Office No. 14487 the land is 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 the Church of England in the Parish of Kurrajong.
- D. The land is now in the Parish of Wilberforce and is held for the benefit of that Parish.
- E. It has been determined to seek approval for the sale of the land.
- F. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such land or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.

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. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such land or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.
2. The Corporate Trustee is hereby authorised to sell the land in the First Schedule within three (3) years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract at such time and at such price and upon such terms and conditions as it may determine freed from the trusts upon which it is held.
3. The proceeds arising from the sale of the land described in the First Schedule after paying thereout the costs of and incidental to this Ordinance and the cost of and incidental to the sale shall be applied for the provision of a hall as an education centre by means of the construction of a suitable building on land adjacent to St John's Wilberforce Church and "School House" or the alteration or renovation of an existing building or buildings to be placed on such land.
4. In the event that the land is sold and the balance of the proceeds cannot be applied for the time being towards the purposes stated in clause 3 then the proceeds of the sale shall be invested by the Corporate Trustee and the income arising shall be capitalised or applied for such other purposes as the Standing Committee of the Synod of the Diocese of Sydney at the written request of the majority of the Parish Council of the said Parish may by resolution from time to time determine.
5. This Ordinance may be cited as the "St John's Wilberforce Sale Ordinance 1991".

Schedule

The whole of the land contained in Certificate of Title Folio Identifier 116/751656 and being Lot 116 in Deposited Plan 751656 formerly known as Portion 116 on the Parish of Meehan County of Cook and City of Hawkesbury and situated in East Kurrajong Road at East Kurrajong.

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

E.D. Cameron
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 16th day of December 1991.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

Donald Robinson
Archbishop of Sydney
16/12/1991