

ST. MARK'S SYLVANIA SALE ORDINANCE 1973

No. 39 1973

AN ORDINANCE to authorise the sale of certain land at Sylvania and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney is registered as the owner in fee simple of the land described in the First Schedule hereto AND WHEREAS the said land is situated in the Provisional Parish of Sylvania AND WHEREAS it is expedient that part of the said land be sold AND WHEREAS no trusts in writing have ever been declared in relation to the said land AND WHEREAS doubts have arisen as to the trusts upon which the said land is held 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 that have arisen since the creation of the trusts upon which the said land is held, it is expedient that the same be varied to the extent hereinafter provided and it is expedient that the said land (other than the part described in the Second Schedule hereto) be sold.
2. The said land shall be held upon trust for the purposes of the Church of England in Australia in the Provisional Parish of Sylvania.
3. Church of England Property Trust Diocese of Sydney is hereby authorised after subdivision of the land to create separate lots for the land comprised in the Second Schedule and for the site of the proposed new rectory with a right of way to such site to sell the said land (other than the part described in the Second Schedule hereto) by public auction or by private contract at such time, for such price and upon such terms and conditions as it may think fit freed from the trusts upon which the said land is held.
4. The proceeds from such sale, after payment thereof of the costs of and incidental to this ordinance and to such sale, shall be paid to the churchwardens for the time being of the said Provisional Parish and applied by them in or towards meeting the cost of erecting a rectory on other land held upon trust for the said Provisional Parish. Pending any such application, the said proceeds and the balance of the said proceeds remaining after any such application shall be invested by the said churchwardens in accordance with the Investment of Church Trust Property Ordinance 1944 as amended and the income arising therefrom shall be applied by the said churchwardens for the purposes of the said Provisional Parish.
5. This Ordinance may be cited as "St. Mark's Sylvania Sale Ordinance 1973".

FIRST SCHEDULE

ALL THAT piece or parcel of land situated in the Shire of Sutherland, Parish of Sutherland and County of Cumberland being the whole of the land contained in Certificate of Title Volume 7288 Folio 28 and in Lot A in plan annexed with Transfer G638377.

SECOND SCHEDULE

ALL THAT piece or parcel of land situated, as aforesaid, commencing at a point on the frontage of the said land to Ellis Street distant 12 feet (or thereabouts) to the west of the intersection of the common boundary between Lots A and B in plan annexed to Transfer G638377 and Ellis Street, bounded on the south by that frontage to that intersection, thence bounded on the east by that common boundary to the northern boundary of Lot A thence bounded by that northern boundary for a distance of 12 feet (or thereabouts) from that common boundary and thence bounded on the west by a line to the point of commencement.

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

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 19th day of November 1973.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

Archbishop of Sydney
/ /1973