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*St. Michael's Wollongong Sale Ordinance 1957.*

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No. 19, 1957.

AN ORDINANCE to authorise the sale of certain land situated at the corner of Corrimal Street and Kembla Street in the Town of Wollongong and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance made the tenth day of September One thousand nine hundred and twenty-four between Ernest Langford Sutton of the one part and Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) of the other part Registered No. 52 Book 1360 the land described in the First Schedule hereto was conveyed unto the said Corporate Trustee Upon Trust to permit the same to be used as a Hostel for Girls under the auspices of the Church of England in Wollongong to be called the "Church of England Hostel for Girls" and to be subject to the provisions of the Sydney Church Ordinance 1912 or any other Ordinance of the Diocese of Sydney for the time being in force and applicable to the said land.

AND WHEREAS the said property is no longer required to be used as a Hostel for Girls.

AND WHEREAS the said property is Church Trust Property held for the sole benefit of the Parish of St. Michael's Wollongong.

AND WHEREAS by Crown Grant bearing date the ninth day of May One thousand eight hundred and forty-two recorded in the Register of Grants of the United Church of England and Ireland No. 65 page 13 on the Ninth day of June One thousand eight hundred and forty-two the land therein mentioned and described in the Second Schedule hereto was granted unto the Lord Bishop of Australia John Osborne Henry Osborne Robert Marsh Westmacott and the Reverend Matthew Devenish Meares to hold unto the said Lord Bishop of Australia John Osborne Henry Osborne Robert Marsh Westmacott and the Reverend Matthew Devenish Meares their heirs and assigns forever Upon Trust for the erection thereon of a Church of the United Church of England and Ireland as by law established.

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*St. Michael's Wollongong Sale Ordinance 1957.*

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AND WHEREAS by Deed of Consent of Trustees dated the twenty-ninth day of November One thousand eight hundred and eighty-four William Osborne John William Hosking and Deighton Taylor did and each of them did thereby consent that the said land comprised in the Second Schedule hereto should thenceforth become and be vested in the said Corporate Trustee Subject to the Trusts in the said Crown Grant expressed or contained or to so much of the same as are still subsisting, undetermined and capable of taking effect.

AND WHEREAS the said Deed of Consent was not registered.

AND WHEREAS it is expedient that the said land comprised in the Second Schedule should henceforth become and be vested in the said Corporate Trustee its successors and assigns subject as aforesaid.

AND WHEREAS the said land comprised in the Second Schedule is Church Trust Property held for the sole benefit of the said Parish and the Church of St. Michael Wollongong is erected thereon.

AND WHEREAS it is expedient to declare further trusts in respect thereof.

AND WHEREAS by reason of circumstances subsequent to the creation of the firstly mentioned trusts it has become inexpedient to carry out and observe such trusts.

And it is expedient to sell the said land comprised in the First Schedule and to apply the proceeds of sale in or towards the acquisition or erection of a residence for a Curate of the said Parish of St. Michael or in or towards the erection of a residence for a Curate or other parochial offices or buildings for the said Parish upon portion of the land comprised in the Second Schedule hereto.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains and declares as follows:—

1. The Standing Committee hereby consents to the said land comprised in the Second Schedule hereto being vested and the same is vested accordingly in the Corporate Trustee.

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*St. Michael's Wollongong Sale Ordinance 1957.*

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2. The land comprised in the said Second Schedule shall be held upon trust to permit the same to be used for a Church Parsonage Parish Hall or Curate's Residence or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Michael Wollongong.

3. By reason of circumstances subsequent to the creation of the trusts of the land firstly hereinbefore recited it has become inexpedient to carry out or observe such trusts and it is expedient to sell the land comprised in the First Schedule hereto.

4. The said Corporate Trustee is hereby empowered to sell the said land or any portion or portions thereof by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the Corporate Trustee may deem expedient free from such trusts as aforesaid.

5. The said Corporate Trustee is hereby authorised and empowered to sub-divide the said land and for the purpose of such sub-division or for any other purpose to grant and dedicate drains watercourses rights-of-way or other easements or rights thereout or in connection therewith and to grant and dedicate any land for any public purpose as the Corporate Trustee may deem expedient and to register any plan or plans of sub-division with the Registrar-General, Sydney.

And the said Corporate Trustee is hereby directed to execute the Deed of Conveyance or deeds or other instrument or instruments and do all acts measures and things necessary for the purpose of carrying into effect any sale or sales or other dealing matter or thing authorised by this Ordinance.

6. The purchase money arising from such sale or sales shall be paid to the said Corporate Trustee and shall be applied by the said Corporate Trustee as follows:—

- (a) In payment of all outgoing properly chargeable against the said land or any part or parts thereof and of all costs charges and expenses of and incidental to this ordinance and the said sale or sales and the conveyance and/or the sub-division of the said land and/or the other matters referred to in this Ordinance.

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- (b) Subject thereto the balance shall be paid to the Churchwardens of the said Parish who shall apply the same in or towards the acquisition or erection of a residence for a Curate of the said Parish of St. Michael or in or towards the erection of a residence for a Curate or other parochial offices or buildings for the said Parish upon portion of the land described in the Second Schedule hereto.

7. This Ordinance may be styled or cited as "St. Michael's Wollongong Sale Ordinance 1957."

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FIRST SCHEDULE.

All that piece or parcel of land situated in the Town of Wollongong Parish of Wollongong County of Camden and State of New South Wales being allotment one of Section eight in the Sub-division of Charles Throsby Smith's 200 acres being part of the said Charles Throsby Smith's 300 acre grant Commencing at a point on the East side of Kembla Street distant six feet South from its intersection with the West side of Corrimal Street and bounded thence on the West by the East side of Kembla Street bearing South two hundred and forty-eight feet to the North West corner of allotment two aforesaid Section thence on the South by the North side of that allotment bearing North fifty-six degrees forty minutes East one hundred and thirty-nine feet eight inches to West side of Corrimal Street thence on the East by the West side of that Street bearing North thirty-three degrees twenty minutes West two hundred and six feet six inches thence on the North by a curved line Westerly to the point of commencement and being the whole of the land comprised in Conveyance Registered No. 52 Book 1360.

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SECOND SCHEDULE.

All that piece or parcel of land in the State aforesaid containing by admeasurement Two acres be the same more or less situated in the County of Camden and Parish of Wollongong Town of Wollongong Commencing at the South West corner and bounded on the South by a line bearing East five chains to Church Street on the East by a line bearing North four chains on the North by a line bearing West five chains and on the West by a line bearing South four chains to the South West corner (advertised as No. 28 in the Government Notice dated 8th February, 1842).

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

WALTER S. GEE,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of July, 1957.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

W. G. HILLIARD,

Bishop:

Commissary.

29/7/1957.