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*St. Peter's Mortdale (Drainage Easement) Ordinance 1971*

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No. 13, 1971

AN ORDINANCE to authorise the granting of an easement for storm water drainage through certain land at Mortdale in the Municipality of Hurstville.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 2246 Folio 89 part of which is more particularly described in the First Schedule hereto AND WHEREAS the said land is church trust property AND WHEREAS by virtue of the provisions of St. Peter's Mortdale Declaration and Variation of Trust and Sale and Mortgage Ordinance of 1957 (No. 31, 1957) the said land is held upon trust to permit the same respectively to be used for a church rectory and parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Provisional District of St. Peter Mortdale or any parochial district or parish into which it may be formed or of which it may form a part AND WHEREAS such land forms part of the site of St. Peter's Church Mortdale AND WHEREAS Cedar Developments Pty. Limited (hereinafter called the "Company") has requested the Corporate Trustee for the consideration of One thousand dollars (\$1,000) to agree to the construction of a storm water pipe or drain over through and under that part of such land as is more particularly described in the Second Schedule hereto at the cost and expense of the Company for the more effectively draining storm water from the property of the Company situate at No. 9 Mutual Road Mortdale NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which that part of the land described in the Second Schedule is held it is inexpedient to carry out and observe the same to the extent to which such trusts are hereby modified.

2. The Corporate Trustee is hereby empowered to grant an easement for storm water drainage over through and under the land described in the Second Schedule hereto in favour of the Company upon such terms and conditions as the Corporate Trustee may think fit.

3. The proceeds arising from the granting of the easement authorised by this Ordinance after paying thereout the costs of and

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incidental to this Ordinance which have not been paid by the grantee shall be paid to the Churchwardens for the time being of St. Peter's Church Mortdale and applied by them for general parochial purposes.

4. This Ordinance may be cited as "St. Peter's Mortdale (Drainage Easement) Ordinance 1971".

**FIRST SCHEDULE**

ALL THAT piece of land situate in the Municipality of Hurstville Parish of St. George and County of Cumberland having a frontage of about 66 feet to Morts Road by a depth of about 247 feet 6 inches being Lot 26 in Deposited Plan Number 4374 and being part of the land in Certificate of Title Volume 2246 Folio 89.

**SECOND SCHEDULE**

ALL THAT strip of land (forming part of the land in the First Schedule) 1 foot 6 inches wide along and within the South-eastern boundary of the said land comprised in the First Schedule extending for its full length of 247 feet 6 inches.

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

ATHOL RICHARDSON,  
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 July, 1971.

W. L. J. HUTCHISON,  
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

19/7/1971.