

Gladesville Easement Ordinance 2001

No 12, 2001

Long Title

An Ordinance to provide for the grant of an easement to drain water and the application of the proceeds therefrom on certain land at Gladesville.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in Folio Identifiers 1/834742 and 2/834742 known as 14 and 14A Pile Street, Gladesville (the "Land")

B. The Land is church trust property and by clause 2 of the Gladesville Ordinance 1981 is held upon trust for use as a rectory in connection with the parish of Gladesville (the "Parish").

C. It is proposed to grant an easement to drain water 1 metre wide and variable width and 1 metre wide over the Land as shown on the copy of plan prepared by Christopher John Moyce, Registered Surveyor signed by the Diocesan Secretary on 15 January 2001 with such variations as may reasonably be necessary to facilitate the grant (the "Easement").

D. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held -
(i) it is inexpedient to carry out and observe those trusts and it is inexpedient that the Land be held for the same or like purposes as those trusts, and
(ii) it is expedient that the Easement be granted.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Gladesville Easement Ordinance 2001.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held -

- (a) it is inexpedient to carry out and observe those trusts and it is inexpedient that the Land be held for the same or like purposes of those trusts, and
- (b) it is expedient that the Easement be granted and that the proceeds from the grant be applied in the manner provided in this Ordinance.

3. New Trusts

The Land is held upon trust for the purposes of the Parish.

4. Authority to Grant

The Property Trust is empowered to grant the Easement for nominal consideration subject to such terms and conditions as the Property Trust considers appropriate provided that no such grant is to be made after the third anniversary of the date on which assent is given to this Ordinance without the consent of the Standing Committee given by resolution.

5. Application of Proceeds of Grant

Any proceeds from the grant of the Easement are to be paid to the Property Trust and applied as follows -

- (a) first, in the payment of any taxes (including in the nature of a goods and services tax) payable by reason of the grant of the Easement; and
- (b) second, toward the costs and expenses of and incidental to the grant of the Easement and the promotion of this Ordinance; and
- (c) third, the balance is to be paid to the churchwardens of Christ Church, Gladesville to be applied towards the cost of capital improvements to properties held on any trust for the Parish in such a manner and such amounts as a majority of the parish council of the Parish may from time to time approve by resolution.

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

N M CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 March 2001.

M A PAYNE
Secretary

I Assent to this Ordinance.

P W BARNETT
Administrator
18/4/2001