

MARRICKVILLE ORDINANCE 1987

No. 19, 1987

AN ORDINANCE to authorise the sale of certain land, to provide for the application of the proceeds from the sale and to vary certain trusts.

WHEREAS:

- A. On the 14th day of July 1908, William Martin, Samuel Hinson Hicking, George Richard Gee and Charles Paull became registered as the proprietors of the land (hereinafter called "Lot 14") in Marrickville in Certificate of Title Volume 1379 Folio 48 being Lot 14 in plan numbered 3597.
- B. On the 2nd day of December 1909, William Martin, Samuel Hinson Hicking and Charles Paull became registered as the proprietors of the land (hereinafter called "lots 15 and 16") in Marrickville in Certificate of Title Volume 1360 Folio 42 being lots 15 and 16 in plan numbered 3597.
- C. Pursuant to the Lands Acquisition Act 1906-1936, the Commonwealth of Australia became registered as proprietor of part of lot 14 and part of lots 15 and 16.
- D. The residue (hereinafter called "Lot B") of lot 14 and of lots 15 and 16 not acquired by the Commonwealth of Australia, as aforesaid, such residue being lot B in filed plan 188567, is the site of the church known as St Mark's church West Marrickville.
- E. As far as can be ascertained, no trusts in writing have been declared in respect of lot B and the trustees thereof are dead.
- F. Lot B is believed to be held upon trust for the Anglican Church of Australia in the Parish of Marrickville.
- G. By reasons of circumstances subsequent to the creation of the trusts upon which lot B is held, it is inexpedient to carry out and observe the same to the extent that the same are hereby varied and it is expedient that lot B be sold and the proceeds from the sale applied in accordance with this ordinance.
- H. By virtue of the will of the late Bertram Philip Roberts the Churchwardens of St Clement's church at Marrickville are holding

[Handwritten signatures]

the sum (hereinafter called "the said sum") of approximately One hundred and ninty thousand dollars upon trust for St Clement's Church at Marrickville.

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. This ordinance may be cited as "Marrickville Ordinance 1987".
2. (1) Consent is hereby given to lot B vesting in the Property Trust.

(2) By reason of circumstances which have arisen subsequent to the creation of the trusts on which lot B is held it is inexpedient to carry out and observe the same and also to deal with or apply the whole of the proceeds from the sale of lot B for the Parish of Marrickville and it is expedient that Lot B be sold.

(3) The Property Trust is authorised and empowered to sell Lot B by public auction or private treaty and for such price and on and subject to such conditions as, to the Property Trust, may seem appropriate free from the trusts on which Lot B is held provided that no sale of lot B shall be effected after the third anniversary of the date on which assent is given to this ordinance unless the Standing Committee, by resolution, has given its consent to such sale.

(4) The proceeds from the sale of lot B, shall be applied firstly in or towards meeting all costs and expenses of the Property Trust in connection with the sale and the balance thereafter shall be applied as follows:-

(a) as to Ten thousand dollars (\$10,000) - to the "Vision for Growth" appeal,

(b) as to Ten thousand dollars (\$10,000) -- to the Marrickville Area Deanery Committee for the purposes thereof; and

W. M. B.


(c) as to all or part of the balance to be determined from time to time by resolution of the Parish Council of the said Parish - in or towards meeting the cost of the improvements referred to in Clause 3, and the remainder of any balance shall be held upon the trusts set forth in Clause 4. Any income which accrues on the balance pending the first determination to be made pursuant to paragraph (c) shall be deemed to be part of the balance and any income which accrues thereon after the first determination to be made pursuant to paragraph (c) being made shall be applied in accordance with Clause 4. Provided always that if, before making a determination or a final determination pursuant to paragraph (c) the said Parish Council determines that part of the balance shall be held on the trusts set forth in Clause 4, then, on and from the date on which written notification of such determination is given to the Property Trust, that part shall be so held.

3. The moneys to be applied in or towards meeting the cost of the improvements referred to in this Clause shall be applied (with so much of the said sum which the said Churchwardens decide to apply in meeting the cost hereinafter referred to) in or towards meeting the cost of erecting a building on land held upon a trust for the Anglican Church of Australia in the Parish of Marrickville designated by the Parish Council of the said Parish by resolution thereof intended to be used for purposes of shops, offices, ~~and~~ meeting rooms, and residence. *MB*

sub
4. The moneys to be held upon the trusts set forth in this clause (with so much of the said sum which the said Churchwardens decide to hold upon the trusts hereinafter contained) shall be held upon trust for the said Parish, and part of the income therefrom (being that part thereof which the trustee of the said moneys may decide should be capitalised) shall be capitalised and the balance of the income therefrom shall be paid to and applied by or applied by (as the case may be) the said Churchwardens in or towards ministry within the said Parish. *MB sub*

5. The Churchwardens of the Parish are authorised on behalf of the Property Trust to collect all rents and other income from the improvements referred to in Clause 3, to pay all outgoings in respect of those improvements and to apply the balance for the purposes of the said Parish.

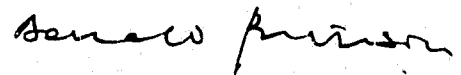
I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.


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 31st day of August 1987.


Secretary

I ASSENT to this Ordinance


Archbishop of Sydney
31/8/1987