

Merrylands Land Sale Ordinance 2010

No 40, 2010

Long Title

An Ordinance to authorise the sale of certain land at Merrylands and to provide for the application of the proceeds of sale.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the property described in each of the cells in column 1 of the table in the Schedule (the "Land").

B. The property described in a cell in column 1 of the table in the Schedule is held on the trusts described in the corresponding cell in column 2 of the Schedule.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in this ordinance.

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

1. Name

This Ordinance is the Merrylands Land Sale Ordinance 2010.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in clause 4.

3. Power of Sale

The Property Trust is authorised to sell the Land at any time within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution whether given before or after that date.

4. Application of the Proceeds of Sale

The proceeds of sale, after payment of the costs of and incidental to this Ordinance and the sale of the Land, are to be paid to the Property Trust and applied as follows –

- (a) first, in payment of any goods and services tax (as defined in A New Tax System (Goods & Services Tax) Act 1999) payable in connection with the sale, and
- (b) second, 15% to be added to MPC Client Fund 0390 to be applied towards the purchase of land and the construction of a new ministry centre thereon at Stanhope Gardens, and
- (c) the balance, in and towards one or more of the following –
 - (i) the purchase of land for the purpose of providing car parking for St Anne's Merrylands,
 - (ii) the purchase of a residence or residences, or the purchase of land and construction of a residence or residences thereon, and the cost of any alterations considered necessary to make the residence comply with Diocesan standards, for housing a minister, assistant minister or a person employed by the Wardens of the Parish.

(2) Pending application of the sale proceeds, the sale proceeds (or the balance remaining from time to time) are to be invested and the income capitalised.

Schedule

Column 1	Column 2
Folio identifier 12/17/1458 known as 187-189 Fowler Road, Guildford.	The land is held upon trust for the parish of Woodville Road although there are no written trusts.

Merrylands Land Sale Ordinance 2010

Column 1	Column 2
Folio identifier B/404913 known as 191 Fowler Road, Guildford.	By clause 7 of the St Marys Mortgage, Land Sale and Declaration of Trust Ordinance 1966, Lots A and B in Deposited Plan 404913 are held upon trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the parish of St Mary Guildford.

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 6 December 2010.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
17/12//2010