

# Mortdale (Grant of Easement) Ordinance 1993

No 5, 1993

An Ordinance to authorise the granting of an easement for drainage through certain land at Mortdale and to provide for the application of the proceeds received for the grant of the easement.

Whereas

- A. The Property Trust is the registered proprietor of the land ("Land") described in the First Schedule.
- B. The Land is church trust property which, by virtue of the St Peter's Mortdale Declaration and Variation of Trust and Sale and Mortgage Ordinance 1957, is held upon trust 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's Mortdale or any parochial district or parish into which it may be formed or of which it may form a part.
- C. An adjoining owner to the Land has requested that the Property Trust grant an easement for drainage over that part of the Land described in the Second Schedule.
- D. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the Land is held, it is inexpedient to carry out and observe the same to the extent that those trusts are varied so as to enable the grant of an easement over that part of the Land described in the Second Schedule on the terms set out in this Ordinance.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said such Synod Hereby Declares, Rules, Ordains and Directs as follows -

1. This Ordinance may be cited as the "Mortdale (Grant of Easement) Ordinance 1993".
2. By reason of the circumstances which have arisen subsequent to the creation of the trusts on which the Land is held, it is inexpedient to carry out and observe the same to the extent that those trusts are varied so to enable the grant of an easement over that part of the Land described in the Second Schedule on the terms set out in this Ordinance.
3. The Property Trust may grant an easement for drainage over that part of the Land described in the Second Schedule upon such terms and conditions as the Property Trust may think fit.
4. The proceeds arising from the grant of the easement under this Ordinance must first be applied in payment of the costs of and incidental to this Ordinance and the grant of the easement which are not paid by the grantee and any balance remaining must be paid to the Churchwardens for the time being of St Peter's Church Mortdale to be applied by them toward repairs and maintenance to the parish rectory and St Peter's Church.

## First Schedule

All That land situated in the Municipality of Hurstville, Parish of St George and County of Cumberland being Lot 28 in Deposited Plan No.4374 and being the land in Certificate of Title Volume 2246 Folio 4.

## Second Schedule

All That land forming part of the Land being a strip of land 1 metre wide and within the south western boundary of the Land (being the boundary with Lot 29 in Deposited Plan No.4374) extending for the full length of that boundary.

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 the 27th day of April 1993.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

J.R. Reid  
Administrator of the Diocese of Sydney  
27/4/1993