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*St. Mark's Darling Point School Land Ordinance 1952.*

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No. 11, 1952.

AN ORDINANCE to authorise the surrender of a Lease of land situated at New South Head Road Paddington Sydney.

WHEREAS by Ordinance styled St. Mark's Darling Point School Lands Ordinance 1928 (hereinafter called the said Ordinance)—inter alia—the demise from time to time by the Church of England Property Trust Diocese of Sydney (hereafter and in the said Ordinance called the said Trustee) of the whole or any portion or portions of lands at New South Head Road Paddington Sydney described in the First Schedule to the said Ordinance was duly authorised upon the terms and conditions in the said Ordinance set forth. AND WHEREAS in pursuance of such authority the lands described in the Schedule hereto and forming part of the said lands described in the said First Schedule to the said Ordinance were by Deed (hereinafter called the said Lease) of date the 14th day of February 1930 made between the said Trustee (therein called Lessor) of the one part and Charles George Sayer and Edward Sayer carrying on business in co-partnership as "Sayer's Edgecliff Garage" (therein called Lessees) of the other part demised and leased by the said Trustee to the Lessees for the term of thirty years computed from the 3rd day of March 1930 at the rent and upon the terms and conditions as set forth in the said Deed. AND WHEREAS by Deed of Assignment of date the 1st day of June, 1944, made between the said Edward Sayer as Assignor of the one part and the said Charles George Sayer as Assignee of the other part the Assignor assigned to the Assignee absolutely his estate share and interest in the land the subject of the said Lease. AND WHEREAS since the date of the said Deed of Assignment the business of Sayer's Edgecliff Garage has been carried on by the said Charles George Sayer alone. AND WHEREAS the said Charles George Sayer has sold or is about to sell and dispose of his said business and is desirous of surrendering and being released from his obligations as Lessee under the said Lease and in relation thereto the said Trustee has received a request that subject to a surrender by the said Charles George Sayer of the remainder of the said term of thirty years the land described in the Schedule hereto be demised and leased under a new Lease upon terms not less advantageous than those existing under the said Lease. AND WHEREAS the said Trustee has entered into negotiations for the granting by the said Trustee under the powers to that end given by clause 4 of the said Ordinance of a

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fresh Lease and as a condition precedent to the granting of such a Lease a surrender of the said Lease would be required and power to accept such a Surrender is sought.

Now therefore the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains declares and rules as follows:—

1. By reason of circumstances arising subsequent to the leasing of the land described in the Schedule hereto as hereinbefore recited it is expedient to empower the said Trustee to accept a surrender of the said Lease.

2. The said Trustee be and is hereby authorised to accept a surrender of the said Lease. And for that purpose to enter into and execute any document or documents required in relation thereto.

3. This Ordinance shall be styled "St. Mark's Darling Point School Land Ordinance 1952."

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THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situated in the Municipality of Paddington, Parish of Alexandria, County of Cumberland, State of New South Wales. Commencing at a point on the southern side of New South Head Road bearing westerly and distant ten feet from the intersection of that side of that road and the western side of Herbert Street and bounded thence on the East by the western boundary of land intended to be resumed for the purpose of widening Herbert Street being an arc of a circle with its centre in a westerly direction and with a radius of ninety six feet bearing southerly for sixty six feet three and one half inches on the south-east by part of the north-western side of Herbert Street as occupied being lines bearing South-westerly for thirty nine feet six inches and thirty two feet three inches on the South-west by a line bearing North-westerly for One hundred and fifteen feet eight inches on the North-west by a line parallel to and six feet from the south-eastern boundary of the land comprised in Real Property Application No. 12698 bearing North-easterly for sixty eight feet and on the North by part of the southern side of New South Head Road bearing Easterly for ninety feet three inches to the point of commencement.

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I certify that the Ordinance as printed is in accordance with the Ordinance as passed.

W. G. HILLIARD, Bishop,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 22nd day of August, 1952.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to the Ordinance.

HOWARD SYDNEY.

25/8/1952.