
St. Matthew's Manly Release of Covenant Ordinance, 1960.

No. 18, 1960.

AN ORDINANCE to release a covenant upon certain lands near The Corso, Manly, within the Parish of St. Matthew, Manly.

WHEREAS immediately prior to the Conveyance of the 26th day of June, 1899, the Most Reverend William Saumarez Smith, Archbishop of Sydney, was seized in fee simple of the lands described in the First Schedule hereto AND WHEREAS on the said date the said Archbishop conveyed to one Alfred Ernest Hickey for an estate in fee simple the lands more particularly described in the Second Schedule hereto and being part of the land described in the First Schedule and the said Alfred Ernest Hickey did thereby for himself his heirs his executors administrators and assigns covenant with the said Archbishop his successors and assigns the owner or owners for the time being of the other part of the land comprised in the First Schedule hereto that any building to be erected on the land thereby assured should at any time thereafter be used for no other purpose than a private residence and out-buildings and stables belonging thereto AND WHEREAS the land referred to in the First Schedule hereto other than the land conveyed to the said Alfred Ernest Hickey and an area of land conveyed to the Council of the Municipality of Manly for use of the public as part of a public road known as The Corso, Manly, is now vested in Church of England Property Trust Diocese of Sydney and the said Trust is the corporate body in law entitled to release vary or modify the said covenant being the owner of the land benefited by such covenant AND WHEREAS by divers conveyances Cyril Joseph Phelps of 11 Wentworth Street, Manly, has now vested in him the land comprised in the Second Schedule hereto AND WHEREAS the said Cyril Joseph Phelps has requested the said Trust to release the land comprised in the Second Schedule from the burden of the covenant hereinbefore recited which the said Trust has agreed to do.

NOW therefore the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod declares directs and rules as follows:-

1. The Trust shall be empowered in consideration of the payment of such amount as the Trust in its discretion may approve to release and forever discharge the land comprised in the Second

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Schedule hereto from the burden of the covenant contained in the Conveyance of the 26th day of June, 1899, No. 578, Folio 645 and hereinbefore recited.

2. For the purpose of giving effect to the release of the said covenant it shall be lawful and proper for the Trust at a properly appointed meeting to execute under its seal a formal release whereby the land referred to in the Second Schedule hereto is released from the burden of the said covenant.

3. The money paid in consideration of the said release shall be paid to the Churchwardens of St. Matthew's Manly to be applied by them as they shall think fit.

4. This Ordinance may be cited as "St. Matthew's Manly Release of Covenant Ordinance, 1960."

THE FIRST SCHEDULE.

All that piece of land situated at Manly in the Parish of Manly Cove and County of Cumberland commencing at the intersection of The Corso with the Darley Road and bounded on the northwest by The Corso being lines bearing north forty-five degrees east one hundred and six feet three inches north three degrees fifty minutes east twenty-nine feet again north forty-five degrees east twenty-six feet six inches east two degrees ten minutes south twenty-nine feet and again north forty-five degrees east twenty-three feet eight inches to lot one on the north-east by that lot and lot sixteen bearing east forty-five degrees south three hundred and twelve feet to Wentworth Street on the south-east by that street bearing south forty-five degrees west fifty feet nine inches to reserved land on the southwest by that land bearing west forty-five degrees south one hundred and twenty-two feet again on the southeast by reserved land bearing south forty-five degrees west one hundred and forty-nine feet three inches to the Darley Road aforesaid and again on the southwest by that Road bearing west forty-five degrees north one hundred and ninety feet to the point of commencement being portion of Section six of a Sub-division of part of the Bassett Darley Estate called East Brighton be the said dimensions all a little more or less.

THE SECOND SCHEDULE.

All that piece or parcel of land commencing at a point on the northwest side of Wentworth Street in the Parish of Manly Cove bearing north forty-five degrees east and distant one hundred and

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forty-nine feet three inches from the junction of the north-west side of Wentworth Street with the north-east side of Darley Road in the said Parish thence north forty-five degrees west for one hundred and twenty-two feet thence north forty-five degrees east for fifty feet and nine inches thence south forty-five degrees east for one hundred and twenty-two feet to the northwest side of Wentworth Street thence south forty-five degrees west for fifty feet and nine inches by the north-west side of Wentworth Street to the commencing point be the said dimensions a little more or less.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported,

H. G. S. BEGBIE,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 25th day of July, 1960.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HUGH SYDNEY,

Archbishop of Sydney.

25/7/1960.