
St. Paul's Kogarah (Parish of St. George) Sale Ordinance 1955.

No. 16, 1955.

AN ORDINANCE to authorise the sale of certain land at Kogarah in the Municipality of Kogarah to authorise the grant of a drainage easement over portion of the said land and to provide for the application of the proceeds of such sale and grant.

WHEREAS by Indenture of Conveyance dated the twenty-seventh day of May One thousand eight hundred and sixty-nine Registered Number 805 Book 116 and made between William Alexander Wolfen of the first part Benjamin Buchanan of the second part and the Right Reverend Frederick Barker Lord Bishop of Sydney of the third part the lands and premises described in the first part of the first Schedule hereto were conveyed to the Bishop of Sydney and his successors and assigns upon trust to use the same as the site for the purpose of a Church of the Church of England and a Parsonage and School House in connection therewith and under and subject to the provisions of the Act of the Colonial Legislature of New South Wales 8 William IV No. 5 intituled "An Act to regulate the temporal powers of Churches and Chapels of the United Church of England and Ireland in New South Wales" AND WHEREAS by Certificate of Title under the provisions of the Real Property Act dated the tenth day of November One thousand eight hundred and seventy four Registered Volume 193 Folio 166 the Bishop of Sydney was registered as the proprietor of an estate in fee simple of and in the land described in the second part of the First Schedule hereto but no trusts have been declared in respect to the said land AND WHEREAS the land comprised in the hereinbefore recited Certificate of Title with the building thereon erected was held upon trust for a residence for a clergyman in connection with the Church of England in the Parish of St. Paul's Kogarah and the balance after deducting that part of the land included in the land resumed as hereinafter mentioned is still so held AND WHEREAS by Notice of Resumption dated the eighth day of October One thousand nine hundred and twenty-three under the hand of the Honourable Sir William Portus Cullen, K.C.M.G. Lieutenant Governor it was thereby notified and declared that so much of the land thereunder described as was Crown land had been appropriated and so much thereof as was private property had been resumed under the Public Works Act 1912 for the

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3. By reason of circumstances subsequent to the creation of the trusts upon which the land described in the first and third parts of the Fourth Schedule hereto is held it is expedient:—

- (a) To grant an easement for drainage over the strip 5 feet wide along and within the northern boundary of the land described in the first part of the said Fourth Schedule and
- (b) To sell the land described in the first and third parts of the said Fourth Schedule.

4. The Corporate Trustee is hereby authorised to grant an easement for drainage over that piece or parcel of land 5 feet wide extending along and within the northern boundary of the land described in the first part of the Fourth Schedule hereto.

5. The land described in the first and third parts of the Fourth Schedule hereto may be sold by public auction or private contract, at such time or times, at such price or prices together or in parcels and upon such terms and conditions as the Corporate Trustee may deem expedient free from the Trusts aforesaid.

6. The moneys arising from the said grant of easement and the said sale or sales shall after deducting therefrom all rates and other outgoings properly chargeable against the said land and all costs charges and expenses of this Ordinance and of the said sale or sales and the transfer or transfers in pursuance thereof be paid to the Churchwardens for the time being of the Church of St. Paul, Kogarah (Parish of St. George) who shall apply the same in and towards the cost of and incidental to erecting a new Rectory on the land secondly described in the said Fourth Schedule.

7. This Ordinance may be cited as "St. Paul's Kogarah (Parish of St. George) Sale Ordinance 1955."

FIRST SCHEDULE.

FIRST PART.

All that piece or parcel of land situate in the Parish of Saint George in the County of Cumberland in the State of New South Wales containing by admeasurement two acres more or less bounded on the east by the Rocky Point Road by a line commencing at a point six chains sixty links from the fence forming the south-eastern boundary of the Bexley property in that road and bearing northerly two chains and eighty-four links on the north by a line at right angles to the said Rocky Point Road bearing westerly in a straight line eight chains and fifty-four links to a proposed reserved back road on the south-west by that proposed reserved road being a line south-easterly three chains and ninety-eight links and thence on the south by a straight line to the point of commencement easterly five chains and seventy-four links be the said several dimensions a little more or less.

SECOND PART.

All that piece of land situated in the Parish of St. George County of Cumberland containing two acres or thereabouts commencing on the western side of the Rocky Point Road at the north-eastern corner of the Church Allotment being a point bearing northerly and distant eight chains and nine links from the intersection of that road and Church Road and bounded thence on the south by part of that allotment bearing westerly eight chains and fifty links on the west by a line bearing northerly two chains and thirty-six links on the north by a line bearing easterly eight chains and fifty links to the Rocky Point Road aforesaid and on the east by that road bearing southerly two chains and thirty-six links to the point of commencement being the whole of the land comprised in Certificate of Title Volume 193 Folio 166.

SECOND SCHEDULE.

All that piece or parcel of land containing an area of One acre two roods twenty perches in the Municipality of Kogarah Parish of St. George County of Cumberland commencing at a point on the north-eastern side of Gladstone Road bearing south-easterly One hundred and thirty-eight feet three inches from the

intersection of that side of that road with the southern side of Regent Street thence by a line bearing ninety degrees nine minutes twenty-two feet eight inches being the southern boundary of Lot ninety-eight of Deposited Plan Number 1397 on the west by a line bearing nine minutes one hundred and fifty-five feet eleven inches being the eastern boundaries of lots ninety-eight to one hundred and two to the south-west corner of Lot one hundred and three by the southern boundary of that lot and lots one hundred and four and one hundred and five and one hundred and eight to one hundred and nineteen and part of lot one hundred and twenty bearing in all ninety degrees eleven minutes three hundred and forty three feet two inches thence by lines bearing successively one hundred and eighty degrees eleven minutes two hundred and seventy-six feet five inches two hundred and seventy-one degrees twenty-three minutes one hundred and thirty-two feet six inches nine minutes one hundred and forty three feet three and one half inches two hundred and seventy degrees nine minutes one hundred and thirty feet and one hundred and eighty degrees nine minutes one hundred and twenty feet to the north-east side of Gladstone Road aforesaid thence by that road bearing three hundred and twelve degrees thirty-five minutes one hundred and forty feet to the point of commencement.

THIRD SCHEDULE.

All that piece or parcel of land situate in the Municipality of Kogarah Parish of St. George County of Cumberland and State of New South Wales being part of the land comprised in Certificate of Title Volume 3652 Folio 20 and part of the land comprised in Deed of Conveyance No. 805 Book 116 commencing at a point on the north-eastern side of Gladstone Street being a south-eastern corner of an area of 1 acre 2 roods 5 $\frac{1}{2}$ perches shown on plans catalogued Ms. 5862 Sy. at The Lands Department Sydney and bounded thence by an eastern boundary of that area bearing 9 minutes 120 feet thence by a southern boundary of that area bearing 90 degrees 9 minutes 130 feet thence by a western boundary of that area bearing 180 degrees 9 minutes 143 feet 3 $\frac{1}{2}$ inches thence by another southern boundary of that area bearing 91 degrees 23 minutes 132 feet 6 inches thence by the prolongation of the most eastern boundary of that area bearing 180

degrees 11 minutes 66 feet to the southern boundary of the land comprised in Deed of Conveyance No. 805 Book 116 thence by part of that southern boundary bearing 271 degrees 23 minutes 165 feet 5 inches to the north-eastern side of Gladstone Street aforesaid thence by that side of that Street bearing 312 degrees 35 minutes 131 feet 6 inches to the point of commencement containing an area of 2 roods 36 perches or thereabouts.

FOURTH SCHEDULE.

FIRST PART.

All that piece or parcel of land containing an area of 2 roods 25 $\frac{1}{4}$ perches having a frontage of 130' to Princes Highway Kogarah in the Municipality of Kogarah Parish of St. George County of Cumberland by depth of 224' 10 $\frac{1}{2}$ " on the north and 225' on the south and rear width of 125' 4 $\frac{1}{2}$ " being Lot A on Miscellaneous Plan of sub-division (R.P. 91026 and O.S. 10750) and being part of the land comprised in Certificate of Title Volume 3652 Folio 20.

SECOND PART.

All that piece or parcel of land containing an area of 1 acre 0 roods 11 $\frac{1}{4}$ perches situated as aforesaid having a frontage of 207' 3 $\frac{1}{2}$ " to Princes Highway by depth on the north of 225' and on the south of 225' 1" being Lot B on Miscellaneous Plan of Sub-division (R.P. 91026 and O.S. 10750) and being part of the land comprised in Certificate of Title Volume 3652 Folio 20 and part of the land comprised in Conveyance No. 805 Book 116 which part is more particularly described as follows:—All that piece or parcel of land containing by admeasurement 3 roods 28 $\frac{1}{4}$ perches situate lying and being in the Municipality of Kogarah Parish of St. George County of Cumberland and State of New South Wales being part of Lot B shown on the plan of Sub-division of the residue of land comprised in Certificate of Title Volume 3652 Folio 20 and the residue of land comprised in Conveyance No. 805 Book 116 Commencing on the western side of Princes Highway at the south-eastern corner of the land comprised in Certificate of Title Volume 3652 Folio 20 being a point bearing 180 degrees 11 minutes and distant 288 feet 3 $\frac{1}{2}$ inches from the intersection of the western side of Princes Highway with the

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

ARTHUR L. WADE,

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 25th day of July, 1955.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

28/7/1955