

ST. PETER'S MORTDALE (DRAINAGE EASEMENT) ORDINANCE 1984

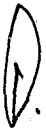
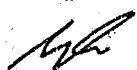
NO. 54 1984

AN ORDINANCE to authorise the granting of an easement for storm water drainage through certain land at Mortdale in the Municipality of Hurstville.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (formerly known as Church of England Property Trust Diocese of Sydney) (hereinafter called "the Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 2246 Folio 89 part of which is more particularly described in the First Schedule hereto AND WHEREAS the said land is church trust property AND WHEREAS by virtue of the provisions of St. Peter's Mortdale Declaration and Variation of Trust and Sale and Mortgage Ordinance of 1957 (No. 31, 1957) the said land is held upon trust to permit the same respectively 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 Anglican Church in the parish of St. Peter Mortdale or any parochial district or parish into which it may be formed or of which it may form a part AND WHEREAS such land forms part of the site of St. Peter's Church Mortdale AND WHEREAS ZALLYME PTY. LIMITED (hereinafter called "the company") has requested the Corporate Trustee for the consideration of THREE THOUSAND DOLLARS (\$3,000.00) to agree to the construction of a storm water pipe or drain over through and under that part of such land as is more particularly described in the Second Schedule hereto at the cost and expenses of the company for the more effectively draining of storm water from the property of the company situate at 11 and 11A Mutual Road, Mortdale NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which that part of the land



30 described in the Second Schedule is held it is inexpedient to
carry out and observe the same to the extent to which such trusts
are hereby varied.

2. The Corporate Trustee is hereby empowered to grant an
easement for storm water drainage over through and under the land
35 described in the Second Schedule hereto in favour of the Company
upon such terms and conditions as the Corporate Trustee may think
fit.

3. The proceeds arising from the granting of the easement
authorised by this Ordinance after paying thereout the costs of
40 and incidental to this Ordinance which have not been paid by
grantee shall be paid to the Churchwardens for the time being of
St. Peter's Church Mortdale and applied by them for general
parochial purposes.

4. This Ordinance may be cited as "St. Peter's Mortdale
45 (Drainage Easement) Ordinance 1984".

FIRST SCHEDULE

ALL THAT piece of land situate in the Municipality of Hurstville
Parish of St. George and County of Cumberland having a frontage
of about 20.115 metres to Merts Road by a depth of about 75.4
metres being Lot 26 in Deposited Plan Number 4374 and being part
of the land in Certificate of Title Volume 2246 Folio 89.

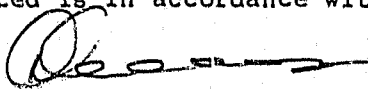
SECOND SCHEDULE

ALL THAT strip of land (forming part of the land in the First
Schedule) 0.50 metres wide situate within the south-eastern
boundary of the said land comprised in the First Schedule and
distant 0.455 metres from that south-eastern boundary and
extending for its full length of 75.44 metres.

[Handwritten signature]

[Handwritten initials]

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




Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 10th day of December 1984.



Secretary

I ASSENT to this Ordinance



Archbishop of Sydney
10 / 12 / 1984

