

St Peter's Theresa Park Variation of Trusts and Land Sale Ordinance 1991

No 51, 1991

An Ordinance to vary the trust of land at Theresa Park to permit the same to be sold and to provide for the application of the proceeds thereof.

Whereas

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is seised of an estate in fee simple in the whole of the land comprised in Deed of Conveyance Registered number 36 book 268 more particularly described in the Schedule hereto.

B. The land in the Schedule is church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 (as amended) held upon the trusts expressed in the said conveyance namely "as a site for the erection and maintenance therein of a Church of England for the celebration of public worship according to the usage of the Church now or lately known as the United Church of England and Ireland and of a dwelling house for the use of the Minister for the time being of the said Church and of a school house for the education of children of members of the Church of England and of such other children as the Minister for the time being of the said Church may approve and for a burial ground in connection with the said Church or for any of such purposes".

C. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is expedient to sell the land described in the Schedule.

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

1. This Ordinance may be cited as the "St Peter's Theresa Park Variation of Trust and Land Sale Ordinance 1991".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that such trusts be varied and that the land be sold.

3. The Corporate Trustee is hereby authorised to sell the land described in the Schedule within three (3) years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee by public auction or private agreement in one or more lots and for such price or prices and subject to such terms and conditions, as to the Corporate Trustee, may seem appropriate.

4. (1) The proceeds arising from the sale of the land described in the Schedule after paying thereout the costs of and incidental to this Ordinance and the costs of and incidental to the sale shall be paid to the Corporate Trustee to be applied by it towards the purchase of a property in the Parish of Camden to be used as a residence for an Assistant to the Minister or a person employed by the Churchwardens in the Parish.

(2) Pending the application set out in subclause (1) of this clause the Corporate Trustee shall invest the net proceeds and capitalise the income.

Schedule

All That piece or parcel of land commencing at a point on the south side of the road from Mulgoa Street towards Camden being the north western corner of the Theresa Park Public School two acre grant and bounded thence on the east by the west boundary of that two acres to the south west corner thereof being a line bearing south 9 degrees 15 minutes west 486 links thence on the south by a line bearing north 80 degrees 45 minutes west 213 links thence on the west by a line bearing north 9 degrees 15 minutes east 452 links and thence on the north by the south side of the aforesaid road being a line bearing south 89 degrees 44 minutes east 215 links to the point of commencement being the whole of the land in deed of conveyance No 36 Book 268.

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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 25th day of November 1991.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

Donald Robinson
Archbishop of Sydney
25/11/1991