

MANLY (ST PHILIP'S PACIFIC PARADE) SALE ORDINANCE 1987

No 42, 1987

An Ordinance to authorise the sale of the church property known as St Philip's Pacific Parade Manly, to vary the trust and to provide for the application of the proceeds of the sale.

WHEREAS

A. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Property Trust") is entitled to be registered as the proprietor of the land and improvements described in the Schedule hereto (hereinafter referred to as the "property") which property is currently registered in the name of Arthur Rowley Ebbs,

B. The property is ~~believed to be~~ church trust property <sup>believed to be</sup> held upon trust for the Anglican Church of Australia for the Parish of Manly in the Diocese of Sydney and has been used by the Parish as its branch church.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the property is held it is inexpedient to carry out and observe those trusts and it is expedient to vary the trusts to the extent necessary to enable the property to be sold and to deal with and apply the proceeds of sale in a manner hereinafter set forth.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

1. This Ordinance may be cited as the "Manly (St Philip's Pacific Parade) Sale Ordinance 1987".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the property is held it is now inexpedient to carry out and observe those trusts but rather it is expedient to vary the trusts and to sell the property and to apply the proceeds of sale as hereinafter set forth.

3. Consent is hereby given to the property vesting in the Property Trust.

4. The Property Trust is hereby authorised and empowered to sell the property to the trustees for the time being for and on behalf of Manly Assemblies of God and/or the Harvest Bible College within three (3) years from the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee (expressed by resolution thereof) by public auction or private contract in one or more lots at such time and for such price or prices and upon and subject to such terms and conditions as it may think fit, free from the trusts upon which the property is held.

5. Any sale of the property shall be conditional upon and subject to the delicensing of the church building erected thereon.

6. The proceeds from the sale of the property (after deduction of costs and fees of and incidental to this ordinance and the sale or sales thereof) and any income derived therefrom shall be applied by the Property Trust in or towards all or any (or partly towards one and partly towards other or others) of the following:-

- (a) the acquisition of land, with or without improvements, for use in or by one or more of the centres of Anglican ministry in the Diocese of Sydney designated or to be designated by the Archbishop's Vision for Growth Committee as an area or areas where need for new or expanded ministry is urgent or desirable;
- (b) the purchase, construction, fitting out, furnishing or other improvement of a building or buildings on land held or to be held by the Property Trust or other proprietor on trust for any one or more of such centres;
- (c) the provision of assistance towards the cost of providing ministry by clergy, or other personnel, in any such centre or centres;
- (d) the payment, repayment, discharge or satisfaction of mortgage loans or commitments (including interest and other charges thereon) entered into by or on behalf of any person or body to promote or assist with new or expanded ministries in any one or more of such centres;

or

(e) otherwise as may from time to time be considered necessary or expedient to promote or contribute to the development or expansion of ministry under the Vision for Growth programme in the Diocese of Sydney;

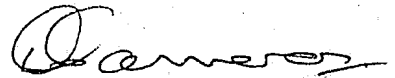
as determined by the Parish Council of the Parish of Manly with the consent of the Standing Committee.

7.5. Pending any application of funds under clause 5 the Property Trust shall invest the proceeds of sale or any residue for the time being in hand and capitalise the income.

#### SCHEDULE

ALL that piece or parcel of land in the Municipality of Manly Parish of Manly, County of Cumberland being Lot 16 and Part of Lot 15 of Section 2 Deposited Plan 4603 and being the whole of the land comprised in Certificate of Title Volume 3839 Folio 34 occupied as and know as St Philip's Pacific Parade Manly.

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



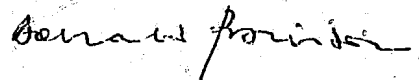
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 23<sup>rd</sup> day of November 1987.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

23/11/1987