

ST JOHN'S WILBERFORCE SALE ORDINANCE 1986

NO. 67, 1986

AN ORDINANCE to authorise the Sub-division and Sale of Land 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 the registered proprietor of the whole of the land described in the First Schedule hereto.

B. The land in the First Schedule hereto is Church Trust property within the meaning of the Anglican Church of Australia Property Trust Act 1917 held for the sole benefit of the Parish of Wilberforce but no Trusts in writing have been declared concerning the same.

C. It has been determined to seek approval for the Sub-division of land in the First Schedule hereto to enable the land in the Second Schedule hereto to be sold.

D. 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 Second Schedule hereto.

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. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second 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.

2. The Corporate Trustee is hereby authorised to sell the land in the Second 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 Contract, at such time and at such price and upon such terms and conditions as it may determine freed from the trusts upon which it is held.

3. The proceeds arising from the sale of the land described in the Second Schedule after paying thereout the cost of and incidental to this Ordinance and the cost of and incidental to the sale shall be applied towards the following:-

- (a) first, the demolition of the existing Rectory and the construction and furnishing of a new Rectory on the site of the existing Rectory;
- (b) secondly, payment to the Home Mission Society of the sum of Five thousand dollars (\$5,000);
- (c) the balance remaining shall be applied at the written direction of a majority of the Parish Council of the Parish of Wilberforce towards one or more of the following:-

- (i) the provision of a hall by means of the construction of a suitable building;
- (ii) the alteration or renovation of an existing building or buildings;
- (iii) payment to the Archbishop's Vision for Growth Fund the sum of up to Five thousand dollars (\$5,000);

pending application of the proceeds as aforesaid the balance shall be invested and the income shall be applied as to Fifty per centum (50%) to the Churchwardens of St. John's Wilberforce for the maintenance and upkeep of the church and parish buildings and the remaining Fifty per centum (50%) shall be capitalised.

4. The balance of the proceeds of the sale after the applications in Clause 3 shall be invested by the Corporate Trustee and the income arising from such investment shall be applied towards such other purposes as the Standing Committee of the Synod of the Diocese of Sydney at the written request of the majority of the Parish Council of the said Parish may by resolution from time to time determine.

5. The Ordinance may be cited as the "St. John's Wilberforce Sale Ordinance 1986".

FIRST SCHEDULE

ALL THAT piece or parcel of land containing six acres, one rood, twenty one and one half perches more or less situated at Wilberforce in the Parish of Wilberforce, County of Cook in the Shire of Colo being Lot 9 in Deposited Plan 241978 and being the whole of the land comprised in Certificate of Title Volume 11746 Folio 39.

SECOND SCHEDULE

ALL THAT piece or parcel of land similarly situated at Wilberforce in the Parish of Wilberforce, County of Cook and in the Shire of Colo being that part of Lot 9 shown hatched on the plan annexed hereto and being part of the land comprised in Certificate of Title Volume 11746 Folio 39.

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

E.D. 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 15th day of December 1986.

W.G.S. GOTLEY
Secretary.

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney.
15/12/1986