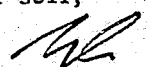


ST. LUKE'S MOSMAN LEASE AND DEED ORDINANCE 1980No. 7. 1980

AN ORDINANCE to authorise the execution of a lease and a deed relating to lands situate at Heydon Street and Ourimbah Road, Mosman and for purposes incidental thereto.

WHEREAS

- A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered as proprietor in fee simple of the lands comprised in the First and Second Schedules hereto.
- B. The land described in the First Schedule is held upon trust for the Parish of St. Luke at Mosman but no trusts in writing have been declared in respect of the same.
- C. The land described in the Second Schedule is held upon trust to permit the same to be used for a church, rectory or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Luke Mosman.
- D. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land described in the First Schedule is held, it is expedient that part thereof be leased to Sarah Ruth McKinnon of 6 Heydon Street, Mosman for the term of forty years, subject to the immediate determination of the said lease upon her earlier death.
- E. As a condition of the Council of the Municipality of Mosman giving its approval to building plans and specifications relating to a proposed alteration of the building erected upon the land described in the First Schedule, the said Council requires the Corporate Trustee to enter into a deed which, inter alia, provides that should the Corporate Trustee at any time thereafter sell, transfer, assign or mortgage the property described in the First Schedule or any part thereof it will, prior to doing so, create a legal right of carriageway over the property described in the Second Schedule in favour of the land described in the First Schedule and, also provides that should the Corporate Trustee at any time thereafter sell,



transfer, assign or mortgage the land described in the Second Schedule, or any part thereof it will, prior to doing so, create for the benefit of or reserve unto the proprietor for the time being of the property described in the First Schedule hereto a legal right of carriageway over the land described in the Second Schedule hereto in favour of the land described in the First Schedule.

F. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land described in the Second Schedule is held it is expedient that the said right of carriageway be created thereover NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod hereby DECLARES ORDAINS DIRECTS AND RULES as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the respective trusts upon which the lands described in the First and Second Schedules hereto are held, it is now expedient that part of the land described in the First Schedule be leased to the said Sarah Ruth McKinnon and that a right of carriageway be created over the said lands described in the Second Schedule.

2. The Corporate ^{Trustee} ~~Trustee~~ is hereby authorised and empowered to:-

- (a) execute a lease in respect of such part of the land described in the First Schedule as may be determined by the Corporate Trustee to the said Sarah Ruth McKinnon for the term of forty years subject ^{to} of the immediate determination thereof upon her earlier death, such lease to be at such rent (nominal or otherwise) and on and subject to such terms and conditions as the Corporate Trustee may consider appropriate;
- (b) execute a deed between the Council of the Municipality of Mosman and the Corporate Trustee containing the terms summarised in recital E of this ordinance; and
- (c) execute all other necessary documents instruments and plans for the purpose of effecting the matters described in the recitals to this ordinance.

3. This ordinance may be cited as "St. Luke's Mosman Lease and Deed Ordinance 1980".

FIRST SCHEDULE

All that piece or parcel of land in the Municipality of Mosman Parish of Willoughby County of Cumberland being Lot 2 in Deposited Plan 510370 and being the whole of the land in Certificate of Title Volume 9768 Folio 74 and upon which is erected the property known as 6 Heydon Street, Mosman and of which Flat No. 1 forms portion.

SECOND SCHEDULE

All those pieces or parcels of land in the Municipality of Mosman Parish of Willoughby County of Cumberland being Lots 66, 67 and 68 in Deposited Plan 3994 and being the whole of the land in each of the following Certificates of Title -

- Lot 66 - Volume 1436 Folio 21
- Lot 67 - Volume 1804 Folio 21
- Lot 68 - Volume 1996 Folio 37

Upon which is erected the premises known as St. Luke's Church of England Ourimbah Road, Mosman.

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

acting
Deputy *M. Orwood*
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 February 1980.

[Signature]
Secretary

I ASSENT to this Ordinance.

M. L. Evans

Archbishop of Sydney
25/2/1980