
St. Mark's Darling Point Ordinance 1971

No. 38, 1971

AN ORDINANCE to vary the trusts of certain land in Darling Point Road, Darling Point, to authorise the sale of that land and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor in fee simple of the land comprised in Certificates of Title Volume 4387 Folios 154 and 155 AND WHEREAS by Declaration of Trust dated 20th April 1951 the said land is held by the Corporate Trustee on trust for the sole benefit of the Parish of St. Mark Darling Point to be used for such Church or otherwise charitable purposes in respect of the said Parish as might be determined from time to time by the Parish Council of such Parish AND WHEREAS for the purpose of the widening of Darling Point Road at Darling Point the Council of the Municipality of Woollahra has requested the Corporate Trustee to make available to the Council for such purpose an area of the said property being one and one-quarter perches or thereabouts and a plan of the land has been prepared by Mr. Surveyor Edward Francis Hunter and completed on 24th February 1971 for subdivision into Lots 1 and 2 and for various considerations including the sum of Three thousand seven hundred dollars (\$3,700) the Corporate Trustee has agreed to sell to the Council the said Lot 1 (more particularly described in the Schedule hereto) subject to the provision by this Ordinance of power to complete such sale AND WHEREAS it is expedient to vary the trusts of the land described in the Schedule to authorise the sale of such land and to apply the proceeds as hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod HEREBY DECLARES ORDAINS 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 Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said trusts be varied as hereinafter set out.

2. The Corporate Trustee is hereby authorised to sell the land described in the Schedule hereto to the Council of the Municipality of Woollahra upon such terms and conditions as the Corporate Trustee may determine freed from the trusts upon which it is held.

3. The Proceeds arising from the said sale after paying there-

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out all outgoings to which the land may be subject (including a proportion of the cost of a new fence along the Darling Point Road alignment), the costs of and incidental to this Ordinance and the sale and transfer pursuant thereto shall be paid to the Churchwardens for the time being of St. Mark's Church Darling Point and applied by them for general parochial purposes.

4. This Ordinance may be cited as "St. Mark's Darling Point Ordinance 1971".

SCHEDULE

ALL THAT piece or parcel of land at Darling Point in the Municipality of Woollahra Parish of Alexandria being part of the land comprised in Certificates of Title Volume 4387 Folios 154 and 155 more particularly described as Lot 1 in Plan of Subdivision dated 24th February 1971 prepared by Mr. Surveyor Edward Francis Hunter having an area of approximately 1½ perches or thereabouts an irregular frontage of approximately 15' 6", 25' 3" and 32' 3" to Darling Point Road and a rear boundary of approximately 69' 1½".

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

ATHOL RICHARDSON,
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 October, 1971.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

25/10/1971.