

Glenquarie Land Sale Ordinance 1994

No 16, 1994

Long Title

An Ordinance to authorise the sale of certain land situated at Macquarie Fields and to provide for the application of the proceeds of sale.

Preamble

Whereas

- A. The Property Trust is the registered proprietor of Lot 12 in Deposited Plan 8676 being the whole of the land comprised in Certificate of Title Folio Identifier 12/8676 (the "Land").
- B. Under the Will of the Late Enid Jean Bertelsen, the Land is church trust property and is held upon trust for the "Glenquarie Anglican Church, Edgar Street, Macquarie Fields".
- C. St Alban's Church, Macquarie Fields, in the provisional parish of Glenquarie, is situated in Edgar Street, Macquarie Fields and is sometimes known as "Glenquarie Anglican Church".
- D. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Land be sold but it is inexpedient to deal with or apply the proceeds of sale for the same purposes as the trusts on which the Land is held.

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.

Citation

1. This ordinance may be cited as the "Glenquarie Land Sale Ordinance 1994".

Declaration of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Land be sold and it is inexpedient to deal with or apply the proceeds of sale for the same or like purposes as the trusts on which the Land is held.

Authority to Sell

3. (1) The Property Trust is authorised and empowered to sell the Land, free from the trusts on which it is held, at any time within 3 years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee given by resolution.
- (2) Such sale may be by public auction or private treaty at such time and at such price and upon such terms and conditions as the Property Trust may consider appropriate.

Application of Proceeds

4. The proceeds arising from the sale of the Land, after the payment of all outgoings to which the Land may be subject and the costs of and incidental to this ordinance and to the sale of the Land, shall be applied in any one or more of the following ways -
 - (a) in the repayment of outstanding loans made by parishioners which have been invested for the purpose of raising income for the general purposes of the provisional parish of Glenquarie; and
 - (b) to purchase a residence suitable for a minister or assistant minister (or other person or persons employed by the churchwardens of any church in the provisional parish and engaged in ministry) and to alter, renovate, furnish, and equip the same for ministry in addition to its function as a residence; and
 - (c) in accordance with a resolution of the Standing Committee upon the request in writing of a majority of the parish council of the provisional parish of Glenquarie.
5. Pending the application of the proceeds of sale under clause 4, the proceeds shall be invested by the Property Trust and the income arising there from shall be capitalised.
6. (1) If the balance of the proceeds of sale and any capitalised interest, after any application or applications made pursuant to clause 4 if less than the Minimum Sum, such balance is to be paid to the churchwardens of St Alban's Church, Macquarie Fields and applied for the purposes set out in clause 4.
- (2) The expression "Minimum Sum" at any time, means the amount last determined prior to that time, means the amount last determined prior to that time by the Property Trust to be the smallest sum in relation to which the Property Trust wishes to act as trustee.

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

N.M. Cameron
Chairman of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 2 May 1994.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
2/5/1994