



Jannali Land Sale Ordinance 1997

No 27, 1997

Long Title

An Ordinance to authorise the sale of land at Jannali and Como West, to provide for the application of the proceeds of sale and for other matters.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in Certificate of Title Folio Identifier 452/17524 and known as 5 Ninth Avenue, Jannali (the "Ninth Avenue Land").

B. By clause 1 of the Jannali Mortgaging Ordinance 1992 the Ninth Avenue Land is held on trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney at Jannali for the sole benefit of the parish of Jannali (the "Parish").

C. The Property Trust is also the registered proprietor of the land contained in Certificate of Title Folio Auto Consol 3612-204 and known as 10-12 Wolger Street, Como West (the "Wolger Street Land").

D. The Wolger Street Land is held upon trust for the Parish although there are no written trusts.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Ninth Avenue Land and the Wolger Street Land are respectively held it is inexpedient to carry out and observe those trusts and it is expedient that the Ninth Avenue Land and the Wolger Street Land be sold and that the proceeds of sale be applied in the manner set out in this Ordinance.

F. It is proposed that the Property Trust acquire the properties known as 85 and 87 Wattle Road, Jannali and it is expedient to provide for the mortgaging and leasing of those properties after their acquisition.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

Name of Ordinance

1. This Ordinance is the Jannali Land Sale Ordinance 1997.

Declarations of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Ninth Avenue Land and the Wolger Street Land are respectively held it is inexpedient to carry out and observe those trusts and it is expedient that the Ninth Avenue Land and the Wolger Street Land be sold and that the proceeds of sale be applied in the manner set out in this Ordinance.

Sale Authority

3. (1) The Property Trust is empowered to sell the Ninth Avenue Land and the Wolger Street Land by public auction or private contract at such time and at such prices upon and subject to such terms and conditions as it may think fit. No such sale may be effected after the 3rd anniversary of the date on which assent is given to this Ordinance without the consent of the Standing Committee given by resolution.

(2) If the parish council of the Parish determines by resolution that the Wolger Street Land should be subdivided before it is sold the Property Trust is authorised to execute any documents necessary to effect that subdivision.

Application of Proceeds of Sale

4. After deducting all outgoings to which the Ninth Avenue Land and the Wolger Street Land may be subject and the subdivision costs of the Wolger Street Land, if any, and the cost of and incidental to the promotion of this Ordinance, the balance of the proceeds of sale shall be applied in the following order of priority -

(a) in paying the costs of acquiring either or both of the properties known as 85 and 87 Wattle Road, Jannali including the repayment of funds borrowed to purchase either or both of those properties;

(b) in repaying existing loans taken out by or for the purposes of the Parish and/or in paying out the costs of extensions (including fitting out) to the existing church/hall buildings and other capital works on the properties known as 83, 85 and 87 Wattle Road, Jannali.

Mortgage

5. (1) After the acquisition of either or both of the properties known as 85 and 87 Wattle Road, Jannali the Property Trust is authorised to mortgage from time to time either or both of those properties for the purpose of borrowing such sum as may have been last approved by the Standing Committee by resolution.

(2) The amount borrowed on the security of any mortgage granted pursuant to this Ordinance shall be applied towards one or more of the following -

(a) in paying the costs of acquiring either or both of the properties known as 85 and 87 Wattle Road, Jannali including the repayment of funds borrowed to purchase either or both of those properties;

(b) in paying the costs of constructing and maintaining suitable improvements to either or both of the properties known as 85 and 87 Wattle Road, Jannali; and

(c) such other purposes in the Parish as the Standing Committee may by resolution authorise upon a request made by resolution of the parish council of the Parish.

Certification

6. Any document certified by the Archbishop or the Diocesan Secretary as a copy of any resolution of the Standing Committee passed under this Ordinance shall in favour of a mortgagee or any person claiming under a mortgage granted under this Ordinance be conclusive evidence that the resolution was duly passed.

Parish to Account

7. While any money is secured by mortgage granted under this Ordinance the churchwardens of St Clement's Church, Jannali in every statement of assets and liabilities prepared for the purpose of an annual vestry meeting of that church must disclose the amount secured by the mortgage on the last day of the financial year to which the statement relates.

Power to Lease

8. (1) After the acquisition of either or both of the properties known as 85 and 87 Wattle Road, Jannali the Property Trust is authorised from time to time to enter into a lease or licence of the whole or any part of either or both of those properties upon the request made by resolution of the parish council of the Parish.

(2) The terms of any lease or licence shall be those agreed by the Property Trust upon the request of the parish council of the Parish after consultation between the Property Trust and the parish council of the Parish.

Rentals Payable

9. The income from any lease or licence granted under clause 8 shall be paid to the churchwardens of St Clement's Church, Jannali and be applied by them for such purposes of the Parish as the parish council of the Parish may determine.

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

N.M. CAMERON

Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 22 September 1997.

W.G.S. GOTLEY

Secretary

I Assent to this Ordinance.

P.R. WATSON

Commissary for the Archbishop of Sydney
22/9/1997