

Marrickville Land Sale Ordinance 1993

No 56, 1993

Long Title

An Ordinance to authorise the variation of trusts for the sale of 227 Illawarra Road Marrickville and to provide for the application of the proceeds.

Preamble

Whereas

A. The land described in the Schedule (the "Land") was bequeathed to the Property Trust for the rector and churchwardens of the parish of St Clement's Church Marrickville (the "Parish") by the Will of Myrtle Phillina Brumm and no specific trusts were declared.

B. By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is inexpedient to carry out and observe those trusts and it is inexpedient to deal with or apply the Land or any part of it for the same or a like purpose to the extent that those trusts are varied by this ordinance and it is expedient to sell the Land.

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 "Marrickville Land Sale Ordinance 1993".

Declaration of Inexpediency

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Land is held it is inexpedient to carry out and observe those trusts and it is inexpedient to deal with or apply the Land or any part of it for the same or a like purpose and it is expedient that the Land be sold.

Power to Sell

3. The Property Trust is authorised to sell the Land within 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 agreement for such price and on and subject to such terms and conditions as may seem appropriate to the Property Trust, freed from the trusts upon which the Land is now held.

Application of Proceeds

4. The proceeds arising from the sale of the Land shall be applied by the Property Trust as follows -

- (a) In payment of the costs of and incidental to this ordinance and of any sale of the Land.
- (b) In payment of the costs of construction of a new minister's residence on the existing property at 45 Petersham Road, Marrickville (being the land in Certificate of Title Volume 644 Folio 243) held upon trust for the Anglican Church of Australia within the Parish and in payment of fittings, furnishings and other equipment in the property and all ancillary and associated costs, fees and expenses.
- (c) The balance shall be held upon trust to be applied for such purposes in the Parish or outside the Parish as the parish council shall determine from time to time.

5. Pending any application of moneys pursuant to clause 4, the proceeds of sale shall be invested and the income capitalised.

Schedule

The land in Certificate of Title Volume 1148 Folio 234 being Lot 44 Section 2 in Deposited Plan 826 known as 227 Illawarra Road, Marrickville.

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 13 December 1993.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
13/12/1993