

# Merrylands West Grant of Easement Ordinance 1994

No 30, 1994

## Long Title

An Ordinance to authorise the grant of an easement for drainage through certain land at Greystanes and to provide for the application of the proceeds received for the grant of the easement.

## Preamble

### Whereas

- A. The Property Trust is the registered proprietor of the land ("Land") described in the First Schedule.
- B. The Land is church trust property held on trust for the parish of Merrylands West ("Parish"), although there are no written trusts.
- C. An adjoining owner to the Land has requested that the Property Trust grant an easement for drainage over that part of the Land described in the Second Schedule.
- 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 to the extent that those trusts are varied so as to enable the grant of an easement over that part of the Land described in the Second Schedule on the terms set out in this ordinance.

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 "Merrylands West Grant of Easement Ordinance 1994".

## Declaration of Inexpediency

2. By reason of the 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 to the extent that those trusts are varied so as to enable the grant of an easement over that part of the Land described in the Second Schedule on the terms set out in this ordinance.

## Authority to Grant Easement

3. The Property Trust may grant an easement for drainage over that part of the Land described in the Second Schedule upon such terms and conditions as the Property Trust may, on the advice of the parish council of the Parish, think fit.

## Application of Proceeds

4. Any proceeds arising from the grant of the easement under this ordinance must first be applied in payment of the costs of and incidental to this ordinance and the grant of the easement which are not paid by the grantee and any balance remaining must be paid to the churchwardens for the time being of St Matthew's Church Merrylands West to be applied by them towards repairs and maintenance to the parish rectory and St Matthew's Church.

## First Schedule

All that land situated in the Municipality of Holroyd, Parish of Prospect and County of Cumberland being the land contained in Folio Identifier 18B/350066.

## Second Schedule

All that land forming part of the Land being a strip of land 1.2 metres wide, 2 metres wide and variable width and located at the southern and eastern boundaries of the Land and described as Proposed Easement to Drain Water 1.2 metres wide, 1.5 metres wide, 2 metres wide and variable in the Plan of Proposed Drainage Works dated 24 May 1994 prepared by T Grabara & Associates, Surveyors.

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 25 July 1994.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

R.H. Goodhew  
Archbishop of Sydney  
25/7/1994