

MONA VALE ORDINANCE 1980

No. 3 1980

AN ORDINANCE to permit the granting of a drainage easement over certain land at Mona Vale.

WHEREAS

A. By an Indenture made the 17th day of April, 1906 BETWEEN LOUIS FRANCIS HEYDON and LEON HONREUX of the one part AND CHURCH OF ENGLAND PROPERTY TRUST DIOCESE OF SYDNEY (hereinafter called the "Corporate Trustee") of the other

5 part Registered No. 481 Book 801, the land described in the First Schedule hereto was conveyed to the Corporate Trustee UPON TRUST to permit the erection thereon of a Church to be called the Church of St. John the Baptist at Pittwater or the erection thereon of other Church buildings and to be

10 subject to the regulations (so far as they may be applicable) contained in "The Sydney Church Ordinance" or in any other ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying that ordinance.

B. By an Indenture made the 19th day of June, 1908, between LOUIS FRANCIS HEYDON of the one part WILLIAM HARRINGTON PALMER of the second part and THE CORPORATE TRUSTEE of the third part Registered No. 31 Book 862, the land

15 described in the Second Schedule hereto was conveyed to the Corporate Trustee UPON TRUST to permit the erection thereon of buildings for Church Purposes and to be subject to the regulations (so far as they may be applicable) contained in "The Sydney Church Ordinance" or in any other ordinance to be passed by the Synod of the said Diocese altering or modifying the same.

C. The Council of the Shire of Warringah has requested the Corporate Trustee to grant to the said Council an easement for drainage purposes over

20 part of the land described in the First and Second Schedules hereto.

D. By reason of circumstances which have arisen subsequent to the creation of the Trusts on which the land described in the First and Second Schedules

25 hereto is held, it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name

[Handwritten signatures]

and place of the said Synod HEREBY DECLARES ORDAINS DIRECTS AND RULES as follows:-

- 30 1. This Ordinance may be cited as "Mona Vale Ordinance 1980".
2. By reason of circumstances which have arisen subsequent to the creation of the Trusts on which the land described in the First and Second Schedules hereto is held, it is inexpedient to carry out and observe the same to the extent that the same are varied to permit the creation of the easement which
- 35 the Corporate Trustee is hereinafter authorised to create.
3. The Corporate Trustee is hereby authorised and empowered to grant an easement for drainage purposes to The Council of The Shire of Warringah (such easement to be in such form and contain such terms and conditions as the Corporate Trustee may consider appropriate) over the part of the land
- 40 described in the First and Second Schedules hereto marked "easement for drainage 3m wide" on the plan prepared by J. B. Richards (Surveyor) and dated the 2nd March, 1978 or over such other part or parts of the said land as the Corporate Trustee may consider appropriate.

FIRST SCHEDULE

ALL THAT piece or parcel of land containing by admeasurement One rood twenty three and three quarter perches a little more or less being a portion of Lot 18 of Section 1 of the Mona Vale Estate situate at Pittwater in the Parish of Narrabeen County of Cumberland and State of New South Wales. Commencing at a point on the North Eastern side of Bay View Road being the Southernmost corner of Lot 17 and bounded thence on the South West by a portion of the Northeastern boundary of Bay View Road being a line bearing South Easterly for One hundred and forty three and one half links thence on the South East by the North Western boundary of Lot 50 and a portion of the North Western boundary of Lot 19 being a line bearing North Easterly for Three hundred and fifty five and One eighth links thence on the North East by the other portion of Lot 18 being a line bearing North Westerly for One hundred and twenty five links and thence on the North West by a portion of the South Eastern boundary of Lot 17 being a line bearing South Westerly for Two hundred and eighty four and three eighth links to the point of Commencement.

SECOND SCHEDULE

ALL THAT piece or parcel of land containing by admeasurement One rood sixteen and three quarter perches a little more or less being a portion of Lot 18 of Section 1 of the Mona Vale Estate situate at Pittwater Parish of Narrabeen County of Cumberland and State of New South Wales Commencing at a point on the South Western side of Darley Street being the South Eastern Corner of Lot 17 and bounded thence on the North East by part of the Southwestern Boundary of Darley Street being a line bearing South Easterly for one hundred and twenty five links thence on the South East by part of the Northwestern boundary of

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Lot 19 being a line bearing South westerly for two hundred and eighty four and one fifth links thence on the South West by a line bearing North Westerly for one hundred and twenty five links and thence on the North West by part of the South Eastern boundary of Lot 17 being a line bearing North easterly for two hundred and eighty four and three eighth links to the point of Commencement.

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

M. L. O'Connell
 Deputy 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 February 1980.

M. J. M. M.
Secretary

I ASSENT to this Ordinance.

M. L. O'Connell
Archbishop of Sydney
 25/2/1980