

ST. AIDAN'S BLACKHEATH ORDINANCE 1976No. 52 1976

AN ORDINANCE to vary the trusts of certain land at Blackheath, to authorise the sale of part of such land and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of the whole of the land comprised in Certificates of Title Volume 1107 Folios 31 and 32 and more particularly described in the first schedule hereto

5 AND WHEREAS the said lands are church trust property held by the said Corporate Trustee upon trust to permit the same to be used for the benefit of the Parish of St. Aidan Blackheath AND WHEREAS no trusts have been declared in writing concerning the said lands AND WHEREAS by

10 reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said lands are held it is inexpedient to carry out and observe the same in respect of the land described in the second schedule hereto hereinafter referred to as "Lot 9" AND WHEREAS


15 it is expedient that part of the said lands to wit Lot 9 be sold and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the first schedule hereto are held it is inexpedient to carry out and observe

20 the same in respect of the land described in the second schedule hereto and it is expedient that the land described in the second schedule hereto be sold.

2. The Corporate Trustee is hereby empowered to sell Lot 9 by public auction or private contract at such time or times, and at such price

25 and upon such terms and conditions as it may think fit freed from any trusts whatsoever.




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3. The proceeds arising from the sale or sales of Lot 9 shall after paying thereout all outgoings and all other debts to which the whole of the said lands are subject be applied as follows:-

- 30 (a) In payment of the costs of and incidental to this Ordinance and of the subdivision of the said lands and of the sale or sales and any conveyance or transfer in respect of Lot 9.
- 35 (b) Subject to the foregoing the balance thereof shall be paid to the churchwardens for the time being of St. Aidan's Church Blackheath and applied by them subject to the payment of all outstanding arrears of diocesan assessments for the purpose of acquiring or erecting a new rectory within the said parish and then as to the
- 40 balance for such purpose or purposes as may be determined by a majority of the members of the parish council by formal resolution and with the approval by resolution of the Standing Committee.

PROVIDED HOWEVER that the said proceeds shall pending such application

45 by the said churchwardens be invested on their behalf by the Corporate Trustee and the income arising therefrom shall be paid firstly in reduction of any outstanding arrears of diocesan assessments and subsequently:-

- 50 (i) as to ten per cent (10%) thereof or such lesser percentage as shall be determined from time to time by resolution of the Standing Committee at the request of a majority of the members of the Parish Council and by formal resolution the same shall be added to the principal sum of the investment as
- 55 aforesaid
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(ii) Subject thereto, paid to the said churchwardens at regular intervals and applied by them for such purpose or purposes and in such manner within the said parish as may be approved from time to time by a majority of the members of the Parish Council and by formal resolution.

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4. This Ordinance may be cited as the "St. Aidan's Blackheath Ordinance 1976".

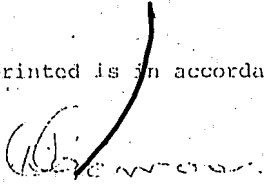
FIRST SCHEDULE

ALL THAT piece or parcel of land situate at Blackheath in the City of Blue Mountains Parish of Blackheath and County of Cook containing 5299 square metres and being Lots 6 and 7 of Section 2 of the Village of Blackheath and the whole of the land comprised in Certificates of Title Volume 1107 Folios 31 and 32.

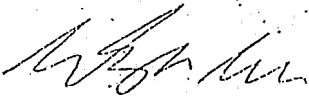
SECOND SCHEDULE

ALL THAT piece or parcel of land being part of the lands described in the first schedule containing 1404 square metres and shown as Lot 9 in Plan of Subdivision No. 3274 approved by the Council of the City of Blue Mountains.

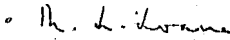
I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

  
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 13<sup>th</sup> day of December 1976.

  
Secretary

I ASSENT to this Ordinance.

  
Archbishop of Sydney  
13/12/76